

W.P.(MD)No.3916 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.3916 of 2019

and

W.M.P.(MD)Nos.3043 & 3044 of 2019

A.Amirthavalli

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Trichy District.

2.The Commissioner,
Office of the Commissioner,
Thiruverumbur Panchayat Union,
Trichy District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the order in RC.N6/231/15 dated 24.02.2016 passed by the first respondent cancelling the petitioner's appointment as nutrition meal organizer in Panchayat Union Elementary School, Pakthavakchalanagar in Trichy District, consequently to permit the petitioner to work in the said school nutrition meal organizer or in any other school in accordance with law within the time stipulated by this Court.



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For Petitioner : Mr.S.Malaikani

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

ORDER

Under assail is the cancelling the appointment order issued by the District Collector, Trichy District, cancelling the petitioner's appointment as nutrition meal organizer in Panchayat Union Elementary School, Pakthavakchalanagar in Trichy District.

2.It is the case of the petitioner that in the year 2010, she was working as Anganwadi Assistant at Barma Colony Anganvadi Centre. In the year 2016, the respondents have invited application from the eligible candidates for being appointed as Nutrition Meal Organizer in Bakthavatchalanagar Elementary School and post had been reserved for Scheduled Caste and the petitioner was given appointment order. While the petitioner was in service, she was initially asked by the respondents to resign the post of Anganwadi Assistant. Accordingly, she resigned the post and went to join the post for which she was given order of



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appointment by the first respondent by his order dated 19.02.2016. But the respondents did not allow the petitioner to join duty for the reasons best known to them at that time. Despite the petitioner got appointment order, she was not permitted to join duty in the newly appointed post. Suddenly, order impugned dated 24.02.2016, came to be passed without conducting any enquiry by giving reasonable opportunity to explain her case. The appointment order was cancelled citing reason that I was already in service as Anganwadi Assistant and she did not get no objection certificate from the department head as per existing rules. Hence, writ petition.

3.The learned counsel appearing for the writ petitioner would submit that there was no rule mandating no objection certificate from the erstwhile department head and the first respondent without giving any opportunity to the petitioner has cancelled her appointment order. Even during the process of interview, the petitioner had disclosed the fact that she was working as Anganwadi Assistant which also comes under the respondents' jurisdiction. Therefore, the respondents cannot say that the petitioner did not get no objection certificate from the department head.

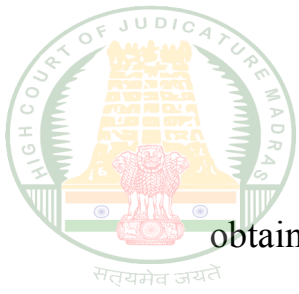


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4.Per contra, the learned Additional Government Pleader appearing for the respondents would submit that as per the notification issued in the year 2016 at Panchayat Union Elementary School, Bakthavatchalanagar, which was reserved for Adi Dravidar Community candidates and the petitioner was selected and given appointment order as Noon Meal Organizer vide proceedings of the first respondent dated 19.02.2016. Since on coming to know the fact that the petitioner has not obtained no objection certificate or permission from the authorities, before submitting application for the post, the appointment order was cancelled.

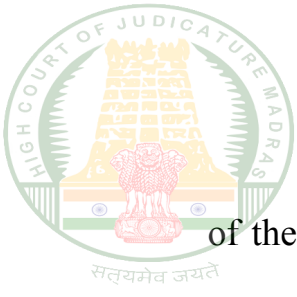
5.It is seen from the records that the writ petitioner was recruited and appointed as Anganwadi Assistant in the year 2010. While she was serving as Anganwadi Assistant, at Barma Colony Anganvadi Centre, she applied for the post of Noon Meal Organizer in response to the notification issued in the year 2016 at Panchayat Union Elementary School, Bakthavatchalanagar, which was reserved for Adi Dravidar Community candidates. As per the notification, the petitioner was selected and given appointment order. Since the petitioner has not



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obtained permission from the higher officials or obtained no objection certificate before applying for the post of Noon Meal Organizer, for this dereliction, the first respondent came to a conclusion to cancel the order of appointment issued in favour of the petitioner. As per the procedures mandate, the first respondent was constrained to cancel the order of appointment by way of order impugned, which shall not be found fault with. More over, the petitioner sought for information through RTI and and produce certain information before this Court and challenging the impugned order, which is not sustainable in law. The post of Anganwadi worker at Burma Colony Anganwadi Centre was filled up in the year 2017 itself on the basis of the communal reservation for the District as a whole, the centre was allotted to other backward classes (Muslim) and that a Muslim candidate was selected and now serving in the centre from the year 2017.

6.The contention of the petitioner that she had informed the fact of her employment as Anganwadi Assistant during the interview itself is not sufficient. More over, the resignation letter submitted by the petitioner was not accepted and without obtaining the order permitting her to resign, she went on her own accord to join in the new post. In the light



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of the above discussion, this Court is of the view that there is no merits
in this writ petition and the same is liable to be dismissed.

7.In the result, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
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M.JOTHIRAMAN, J.

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