

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.27303 of 2012

G. Agilandeswari

... Petitioner

Versus

1. Block Development Officer,
Sriperumbudur,
Kancheepuram District.

2. The District Collector,
Kancheepuram District,
Kancheepuram.

3. R.Usha

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, to direct respondents 1 and 2 to forthwith cancel the appointment of the third respondent as Noon Meal Organizer in the Government Adi Dravidar Welfare Department School, Edayarpakkam, Sriperumbudur Taluk, Kancheepuram District and consider the claim of the petitioner for appointment in the said post within a time frame as may be determined by this Court in the light of the rules and regulations governing priority in the matter.

For Petitioner : Mr.D.Arokia Mary Sophia

For R1 and R2 : Mr.A.Kumar,
Special Government Pleader

For R3 : Mr.G.Sundaram

ORDER

The present writ petition has been filed by the petitioner seeking for issuance of writ of mandamus, to direct respondents 1 and 2 to forthwith cancel the appointment of the third respondent as Noon Meal Organizer in the Government Adi Dravidar Welfare Department School, Edayarpakkam, Sriperumbudur Taluk, Kancheepuram District and appoint her in the said post within a time frame to be fixed by this Court in the light of the rules and regulations governing priority in the matter.

2. The petitioner belongs to Adi Dravidar Community and she completed Higher Secondary Education. According to her, the first respondent called for applications to the post of Noon-Meal Organizer in the Government Adi Dravidar Welfare Department School, in Edayarpakkam and it was announced that the candidate applying for the post should be a person residing in the village and that widows, women deserted by husband or physically challenged persons will be given priority. The petitioner herein applied for the said post and she was called for the interview, held on 21.08.2012. Now, it is the grievance of the petitioner that though she is residing in the same village and she comes under the category of 'women deserted by her husband', she was not appointed for the said post. When she was anticipating to get appointed, she came to know that the third respondent herein was appointed to the said post. Therefore, challenging the same, the petitioner has filed the present writ petition.

3. The learned counsel appearing for the petitioner submits that the petitioner was deserted by her husband and she is getting maintenance as per the order of the Court made in M.C.No.5 of 2008 dated 01.03.2012 on the file of the learned District Munsif cum Magistrate Court, Sriperumbudur. The petitioner is also residing in Edayarpakkam, Sriperumbudur Taluk, Kancheepuram District. Though the petitioner fulfils the criteria for appointment to the said post, she was not appointed to the said post. He further submitted that the third respondent was appointment to the said post without considering the fact that she is not residing in the said village and she is living with her husband, who is working as a Salesman in the Fair Price Shop of Kannanthangal Village, Near Maduramangalam in Sriperumbudur Taluk. Furthermore, the third respondent is not a physically handicapped person. Therefore, the appointment of the third respondent is illegal and the same is to be set aside. Hence, he prayed for setting aside the appointment of the third respondent.

4. A detailed counter has been filed by the Block development Officer. It is stated that the post of Noon Meal Organizer in Adi-Dravidar Welfare School, Edayarpakkam has been reserved only for Adi-Dravidar Women and not for destitute women. The appointment was made taking into consideration educational qualification, age limit, community rotation, mode of selection and distance factor from residence to Noon Meal Centre of the applicant. The personal interview of 21 applicants for one Noon Meal Organizer post in Adi-Dravida Welfare School, Edayarpakkam was conducted on 21.08.2012 by a committee headed by Block Development Officer, Sriperumbudur along with Assistant Elementary Education Officer, Sriperumbudur, being the member of the Committee and Deputy Collector, Empee Distilleries Ltd and Special Deputy Collector, Airport expansion being the supervising officials. The candidates were awarded marks based on educational

qualification, age, nativity, community, priority and performance. The petitioner had secured 23 marks, whereas the 3rd respondent had secured 25.5 marks. Based on the marks only, the third respondent was appointed as Noon Meal Organizer in the Adi-Dravidar Welfare School, Edyarpakkam, therefore, the selection and appointment of the third respondent need not be interfered with.

5. I heard both sides. As rightly contended in the counter filed by the Block Development Officer, the third respondent was appointed as Noon-Meal Organizer based on the marks obtained by her in the interview conducted by the respondent. In other words, the third respondent was appointed after following due selection process. The appointment of the third respondent is preceded by a valid interview. In such view of the matter, I do not find any reason to interfere with the the appointment of the third respondent inasmuch as such appointment made was fair, reasonable and correct. The writ petition is therefore dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Block Development Officer,
Sriperumbudur,
Kancheepuram District.
2. The District Collector,
Kancheepuram District,
Kancheepuram.

+1cc to Mr.K.Santhakumari, Advocate, S.R.No.44612
+1cc to Mr.G.Sundaram, Advocate, S.R.No.44252
+1cc to the Government Pleader, S.R.No.44216

W.P. No. 27303 of 2012

LRS (CO)
CA(16/09/2016)