

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition Nos.4595 and 9136 of 2016
W.M.P.Nos.3955 and 3956 of 2016
W.M.P.Nos.8136 and 8137 of 2016
W.M.P.Nos.4880 and 4878 of 2016
W.M.P.No.4879 of 2016

K.Brinda Petitioner in both
W.P.Nos.4595 and 9136 of 2016

Vs.

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai Post.
2. The Block Development Officer,
Thellar, Vandavasi Taluk,
Thiruvannamalai District.
3. The Commissioner,
Panchayat Union,
Thellar Post, Vandavasi Taluk,
Thiruvannamalai District. Respondents 1 to 3 in both
W.Ps.
4. The Head Master,
Government High School,
Ponnur Panchayat.
5. Alamelu Respondents 4 and 5 in
W.P.No.9136 of 2016

Prayer in W.P.No.4595 of 2016: Writ Petition is filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus, to call for the records of the 1st respondent, culminating in Notification published at Page 13 of Tamil Daily News Paper "Dhina Thandhi" Vellore Edition, dated 28.01.2016, only in respect of filling of the post of Noon Meal Organiser in Government High School, Ponnur Panchayat, within Thellar Panchayat Union, Thiruvannamalai District, quash only that portion and to direct the respondents to appoint the petitioner herein who belongs to Backward Class to the above post.

Prayer in W.P.No.9136 of 2016: Writ Petition is filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus, to call for the records of the 1st respondent, bearing Na.Ka.No.10791/2014/rcjp-1, Nil date in the month of February, 2016, in respect of the post of Noon Meal Organiser in Government High School, Ponnur Panchayat, within Thellar Panchayat Union, Thiruvannamalai District, quash the same and to direct the respondents to appoint the petitioner, who belongs to Backward Class, as per the earlier communal rotation for the post of Noon Meal Organizer in Government High School, Ponnur Panchayat.

For Petitioner : Mr.V.Raghupathi

For Respondents 1 & 4 : Mr.P.Chinnadurai,
in WP.9136/16 Government Advocate
and for Respondent 1
in WP.4595/16

For Respondents 2 & 3 : Mr.R.Ravichandran

COMMON ORDER

Mrs.K.Brinda, has filed two writ petitions. W.P.No.4595 of 2016 has been filed to quash the Notification published at Page 13 of Tamil Daily News Paper "Dhina Thandhi" Vellore Edition, dated 28.01.2016, only in respect of filling of the post of Noon Meal Organiser in Government High School, Ponnur Panchayat, within Thellar Panchayat Union, Thiruvannamalai District, with a further direction to the respondents 1 to 3 herein to appoint the petitioner, who belongs to Backward Class, in the above post.

2. Another Writ Petition, W.P.No.9136 of 2016 has been filed, seeking for a Writ of Certiorarified Mandamus, to quash the proceedings of the District Collector, Thiruvannamalai District, 1st respondent herein, bearing Na.Ka.No.10791/2014/செ.தி-1, dated Nil.02.2016, in respect of the post of Noon Meal Organiser in Government High School, Ponnur Panchayat, within Thellar Panchayat Union, Thiruvannamalai District and further, direct the respondents to appoint the petitioner, who belongs to Backward Class, as per the earlier communal rotation for the post of Noon Meal Organizer in Government High School, Ponnur Panchayat.

3. Assailing the impugned orders, learned counsel appearing for the petitioner would submit that the petitioner, belonging to Backward Class Community and having passed SSLC examination, made an application for the post of Noon-Meal

Organizer in Ponnur Panchayat, in response to the notification, calling for applications of eligible candidates for the abovesaid post. Upon scrutiny of her application, she was called for an interview and she attended the same, with all the necessary certificates, along with five other candidates. On the same day itself, interview has also been conducted for the post of Ayyas. When the petitioner was eagerly waiting for the outcome of the interview held for the post of Noon-Meal Organiser, under the Backward Class quota, the 3rd respondent has issued a circular in Na.Ka.No.A6/3578/2007, dated 10.09.2007, inviting applications for the same post, making it clear that the said post was allowed to Most Backward Class community, on communal rotation basis, without any reasons. Therefore, the petitioner has challenged the said Circular in W.P.No.32064 of 2007 and this Court, vide order, dated 05.10.2007, has granted interim stay of operation of the Circular, issued by the 3rd respondent, pending disposal of the writ petition. Finally, the said writ petition was tagged along with W.A.No.507 of 2007 and W.P.No.8704 of 2007, filed by the Tamil Nadu Arasu Sathunavu Paniyalar Sangam.

4. With the above background of facts, learned counsel for the petitioner would submit that firstly, Mrs.Alamelu, 5th respondent, who belongs to Nelleri Village, which falls 4 Kms., away from Ponnur Village, ought not to have been appointed to the post of Noon-Meal Organiser. According to him, one of the conditions for appointment to the above post, is that any candidate, who applied to the said post, can be considered for appointment, only if, he/she comes within the radius of 3 Kms. Therefore, he contended that as the 5th respondent is living in Nelleri Village, which falls 4 Kms away from Ponnur Village, her appointment is liable to be set aside, as it is against the abovesaid condition for appointment.

5. Adding further, learned counsel for the petitioner would submit that the post of Noon-Meal Organiser in Ponnur Panchayat, has been earmarked for Backward Class community. But without following the communal rotation, respondents 2 and 3 have recently appointed the 5th respondent, who belongs to Most Backward Class community. On that score also, he sought for interference of the impugned orders passed in favour of the fifth respondent.

6. Mr.M.Perumal, learned standing counsel appearing for respondents 2 and 3, after filing a detailed counter affidavit, submitted that both the villages, Nelleri and Ponnur, are situated within 3 Kms., and as a matter of fact, Ponnur Panchayat, in which, vacancy for the post of Noon-Meal

Organiser, has arisen, is situated within 2.4 Kms., from Nelleri Village. Placing on record, a Map prepared by the Assistant Engineer, Pannur Panchayat, he submitted that the distance between Nelleri Village and Pannur Village, is only 2.4 Kms.

7. As regards the 2nd contention, with regard to change of communal rotation, learned standing counsel appearing for respondents 2 and 3, brought to the notice of this Court, the proceedings in Na.Ka.No.1155/07/Sa.U.Thi.1, dated 20.08.2007, issued by the District Collector, Thiruvannamalai, in which, considering various subsequent events, the District Collector, has directed the concerned authorities to fill up the post of Noon-Meal Organiser, in Ponnur Panchayat, by appointing the candidates, belonging to the Most Backward Class community. Therefore, he submitted that since the 5th respondent, belonging to Most Backward Class community and also coming from Nelleri Village, which lies within 3 Kms radius from Ponnur Village, no interference is called for.

8. I fully agree with the submissions made by the learned standing counsel appearing for respondents 2 and 3. Hence, both the Writ Petitions fail and the same are dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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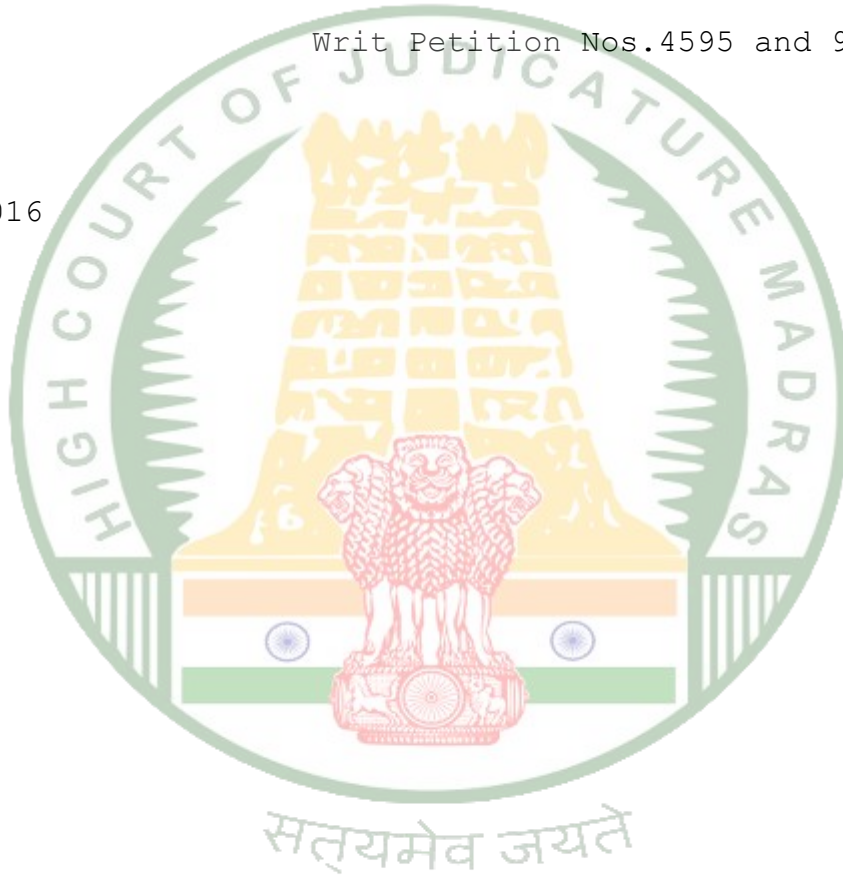
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+2 cc to Mr.V.Raghupathi Advocate sr.17841,17842
+1 cc to the Government Pleader sr.17734

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