



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.18759 of 2016

WEB COPY

Moorthi Primary School,
Represented by its Correspondent cum Manager,
J.R.John Samuel Nallathambi,
Kandiperi,
Thachanallur Post,
Tirunelveli District.

... Petitioner

vs.

1)The District Collector,
Tirunelveli District,
Tirunelveli.

2)The Personal Assistant to District Collector,
Noon Meal Scheme,
O/o. the District Collector,
Tirunelveli.

3)The Commissioner of Panchayat Union,
Manur Panchayat Union,
Tirunelveli.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to appoint a noon meal organizer in the existing vacancy in the petitioner's school by considering the proposal sent by the petitioner dated 05.02.2016 within the time period stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Louis for Mr.T.Lajapathi Roy

For Respondents : Mr.M.Alagudevan,
Special Government Pleader

ORDER

This Writ of Mandamus has been filed to direct the respondents to appoint a noon meal organizer in the existing vacancy in the petitioner's school by considering the proposal sent by the petitioner dated 05.02.2016 within a time frame to be fixed by this Hon'ble Court.

2.In support of the relief sought for, the learned counsel for the petitioner has relied upon a decision of this Court in **W.P.No.499 of 2009 dated 15.04.2009**, whereunder, this Court has passed the following order:-



"The petitioner is an aided Middle school. The petitioner has challenged the order dated 18.12.2008 of the first respondent on the ground that the first respondent seeks to appoint Noon Meal Organizer unilaterally without reference to the panel that has to be submitted by the School Management as per G.O.Ms.No.294, Social Welfare and Nutritious Meal Programme (NMP.I) Department, dated 21.10.2003.

2.The petitioner draws the attention of the court to the earlier order dated 04.12.2007 passed by this Court in W.P(MD)No.9044 of 2007 quashing the similar order. The said order is enclosed at page No.1 of the typeset. The same issue was also considered by a Division Bench of this Court in W.A.No.125 of 2007 dated 05.10.2007 and it has been categorically held that the appointment to the post of Noon Meal Organizers has to be made only from the panel submitted by the school Management and no outsiders can be appointed.

3.Since the issue involved in this writ petition is covered by the aforesaid decisions, the impugned order of the first respondent dated 18.12.2008 is quashed and the respondents are directed to appoint Noon Meal Organizers based on the panel submitted by the petitioner's school.

4.The writ petition is allowed accordingly. Consequently, connected miscellaneous petitions are closed."

3.Based on the abovesaid decision, the learned counsel for the petitioner requested this Court to issue a direction to the respondents to consider the proposal sent by the petitioner dated 05.02.2016 in the light of the said decision and to pass orders within a time frame.

4.The learned Special Government Pleader appearing for the respondents would submit that it is agreeable for the respondents to consider the proposal sent by the petitioner dated 05.02.2016 in the light of the said decision and to pass orders.

5.Recording the above submission, this Writ Petition is disposed of directing the respondents to consider the proposal sent by the petitioner dated 05.02.2016 in the light of the decision of this Court in W.P.No.499 of 2009 dated 15.04.2009 (supra) and to pass appropriate orders, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/
Assistant Registrar(Crl.Side)



To

1) The District Collector,
Tirunelveli District,
Tirunelveli.

2) The Personal Assistant to District Collector,
Noon Meal Scheme,
O/o. the District Collector,
Tirunelveli.

3) The Commissioner of Panchayat Union,
Manur Panchayat Union,
Tirunelveli.

+1cc to Special Government Pleader in SR.No.57962.

+1cc to M/S.T.Lajapathi Roy, Advocate in SR.No.57852.

W.P (MD) No.18759 of 2016
30.09.2016

nbi

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