

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.04.2017

Coram :

The Honourable Mr.JUSTICE T.RAJA

W.P.No.9462 of 2017  
and  
W.M.P.No.10411 of 2017

N. Devi

...Petitioner

Vs

1. State of Tamil Nadu  
represented by its secretary  
Social Welfare and Nutritious  
Noon Meal Scheme Department  
Fort St. George,  
Chennai - 600 009.
  2. The Director,  
Social Welfare Department,  
Directorate of Social Welfare,  
Sidco Old Buildings,  
Guindy, Chennai - 600 032.
  3. The District Collector,  
Thiruvarur District,  
Thiruvarur - 610 001.
  4. Block Development Officer,  
Thiruvarur Panchayat Union Office,  
Thiruvarur - 610 001.
- .... Respondents

PETITION under Article 226 of The Constitution of India  
praying for the issuance of a Writ of Mandamus directing the  
respondents to implement G.O.MS.No.163, dated 18.08.2010, Social  
Welfare and Nutritious Meal Programme (S.W-2) Department and  
promote the petitioner to the post of Noon Meal Organiser.

For Petitioner : Mr.A.Muthukumar  
For Respondents : Mr.V.Jayaprakash Narayanan  
Special Government Pleader  
for R1 to R3  
Mr.M.Dig Vijaya Pandian  
Additional Government Pleader for R4

O R D E R

This Writ Petition has been filed to direct the respondents  
to implement G.O.Ms.No.163, dated 18.08.2010, Social Welfare and  
Nutritious Meal Programme (S.W-2) Department and promote the

petitioner to the post of Noon Meal Organiser.

2. By consent, this Writ Petition is taken up for final disposal.

3. The case of the petitioner is that petitioner was appointed as Cooking Assistant on 01.09.1993. But even after completing five years of service in the post of Cooking Assistant she was not given promotion to the higher cadre namely Cook till 06.04.2005. However, she was given promotion to the post of Cook on 07.04.2005. She unsuccessfully wrote S.S.L.C. examinations in March 2006. Therefore, she has become eligible for promotion to the next higher category of Noon Meal Organiser. On this basis, she sent a representation to the fourth respondent on 04.06.2007. On receipt of the same, the fourth respondent sent a reply stating that promotion was not given to the petitioner since her qualification namely that she wrote the S.S.L.C. examinations was not brought to his notice. It is further stated that as per G.O.No.163 dated 18.08.2010, 25% of vacancies to the post of Noon Meal Organisers should be filled up by promotion and the persons working with more than 5 years experience as Cook with S.S.L.C. pass or fail is eligible for promotion. In this regard, the petitioner has given further representation to the third respondent on 05.03.2017. But, the same has not evoked any response till date. Meanwhile, the third respondent has called for applications to fill up 205 vacancies in the cadre of Noon Meal Organiser by direct recruitment but no paper publication was effected. Therefore, the petitioner seeks for a direction to the third respondent to consider the case of the petitioner as 25% of vacancies are reserved for the existing working cook for the post of Noon Meal Organiser.

4. Heard Mr.A.Muthukumar learned counsel for the petitioner, Mr.V.Jayaprakash Narayanan learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 3 and also Mr.M.Digvijayapandian, learned Additional Government Pleader who takes notice for the fourth respondent.

5. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader who takes notice for the respondents 1 to 3 would submit that the pending representation of the petitioner would be considered on merits and in accordance with law as expeditiously as possible.

6. Considering the facts and circumstances of the case and also considering the submissions made on either side, since the third respondent has called up for applications to fill up 205 vacancies, the third respondent is directed to consider the case of the petitioner, within the 25% posts reserved for existing

working cook. The said exercise shall be done before completing the selection process for filling up of 205 vacancies for the post of Noon Meal Organiser.

7. This Writ Petition is disposed of accordingly. No Costs. Consequently the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Govt., of Tamil Nadu  
Social Welfare and Nutritious  
Noon Meal Scheme Department  
Fort St. George,  
Chennai - 600 009.
2. The Director,  
Social Welfare Department,  
Directorate of Social Welfare,  
Sidco Old Buildings,  
Guindy, Chennai - 600 032.
3. The District Collector,  
Thiruvarur District,  
Thiruvarur - 610 001.
4. The Block Development Officer,  
Thiruvarur Panchayat Union Office,  
Thiruvarur - 610 001.

+1cc to Mr.A. Muthukumar, Advocate, S.R.No.23578

+1cc to Mr.Dig Vijaya Pandian, Advocate, S.R.No.23916

GJII(CO)  
md(20/04/2017)

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