

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.31466 of 2017

M.Srilakshmi .. Petitioner

-vs-

1. The District Collector
Dharmapuri District
Dharmapuri
2. The P.A.to the District Collector
Noon Meal Scheme
O/o The District Collector
Dharmapuri District
3. The Block Development Officer (Va.Voo)
Harur Panchayat Union
Harur, Dharmapuri District
4. K.Olimalar .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned appointment order vide Na.Ka.No.1521/2016/X dated 13.11.2017 on the file of the first respondent and quash the same in so far as the fourth respondent is concerned and direct the first respondent to appoint the petitioner to the post of Noon Meal Organizer in Noon Meal Centre at Konga Vembu Panchayat Union Middle School.

For Petitioner :: Mr.S.Kumara Devan

For Respondents:: Mr.R.A.S.Senthilvel
Additional Government Pleader
for R1 & 2
Mr.S.Diwakar for R3

ORDER

This writ petition is filed challenging the impugned order appointing the fourth respondent as a Noon Meal Organizer in the Noon Meal Centre at Konga Vembu Panchayat Union Middle School, Harur Taluk, Dharmapuri District.

2. Learned counsel for the petitioner submitted that since the fourth respondent is already working as a part-time teacher under the Sarva Shiksha Abhiyan Scheme, namely, Karkum Bharatham at Koothadipatti, the petitioner, who is aged about 40 years, should be given top priority. He has further argued that the petitioner is residing within half a kilometre from the centre, whereas the fourth respondent is residing 3 kms., away from the centre, hence, she should be given priority.

3. But this Court is unable to accept the said contentions. Firstly, the fourth respondent is also residing within 3 kms., as per the criteria laid down in G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department dated 18.8.2010. Secondly, the contention of the petitioner that she is residing within half a kilometre and this apart, she is aged about 40 years and going to be over-aged and should be given priority, cannot be a ground on which the selection of the candidates can be considered. In my considered view, when the fourth respondent is also residing within 3 kms., this Court is not able to find any merit in the writ petition challenging her appointment. Accordingly, the writ petition fails and it is dismissed. Consequently, W.M.P.Nos.34571 & 34572 of 2017 are also dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
Dharmapuri District
Dharmapuri

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Noon Meal Scheme
O/o The District Collector
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3. The Block Development Officer (Va.Voo)
Harur Panchayat Union
Harur, Dharmapuri District

+1cc to Mr.S.Kumaradevan, Advocate SR.No.86232

+1cc to Mr.S.Diwar, Advocate SR.No.87053

+1cc to Government Pleader Sr.No.87399

W.P.No.31466 of 2017

sm:22.12.2017