

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33216 of 2003

R.Kaliammal

[Petitioner]

Vs

1. The District Collector,
Perambalur District, Perambalur.
2. The Commissioner,
Veppanthattai Panchayat Union,
Veppanthattai, Perambalur District.
3. Sri Gandhi Aided Elementary School,
rep.by its Manager, Arumbavoor P.O.,
Veppanthattai Taluk, Perambalur District. [Respondents]

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first respondent in his proceedings in Na.Ka.No.2534/99/Savuthil dated 12.10.2003 and quash the same and direct the respondents to reinstate the petitioner as cook in the third respondent school with all consequential benefits.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.A.Zakir Hussain,
Government Advocate for R1 and R2

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O R D E R

This writ petition has been filed to quash the proceedings of the first respondent in Na.Ka.No.2534/99/Savuthil dated 12.10.2003 and to direct the respondents to reinstate the petitioner as cook in the third respondent school with all consequential benefits.

2.The facts in brief, are as follows:

The petitioner was working as cook in the second respondent

Management. The petitioner states that the post of Noon Meal Organiser under the third respondent school became vacant, and as per the Government Order, the Management of the third respondent has to send list of persons consisting of 5 names and the District Collector has to select and appoint one of the persons from the list. The proposal sent in this regard by the third respondent Management was rejected seeking certain clarifications. At that point of time, the post of Noon Meal Organiser was held by one Tmt.Chandra as in-charge. Thereafter, one Shanthi was posted as Noon-Meal Organiser by the second respondent against which it seems that a writ petition was also filed by the third respondent, as the said Shanthi was not sponsored by the third respondent in their list submitted. While so, on an inspection by the second respondent to the third respondent school on 28.01.2003, it was found that the petitioner was not receiving the food materials from the said Shanthi for preparation of food. On this allegation, the petitioner was placed under suspension by the second respondent by order dated 29.01.2003, which culminated in passing the impugned order by the first respondent dismissing the petitioner from service. Hence this writ petition.

3.The learned counsel for the petitioner submits that against the proposal given by the third respondent, the second respondent has appointed the said Shanthi as Noon Meal Organiser in the third respondent Aided School and the said Shanthi was prevented from joining in the school by the third respondent Management. Hence the question of refusal to receive the food stuff by the petitioner from the said Shanthi is far from consideration. Further it is submitted that copy of the report of the enquiry officer was not served to the petitioner and no explanation had been called for from the petitioner, which are violative of the principles of natural justice. Hence, the impugned order has to be set aside, according to the learned counsel for the petitioner.

4.I have heard the learned Government Advocate for the respondents 1 and 2 on the submissions made by the learned counsel for the petitioner.

5.Charge memo was issued against the petitioner on the ground that the petitioner had refused to received the food essentials from one Shanthi who was appointed as Noon-Meal Organiser in place of one Chandra, in the third respondent School. The said act of the petitioner was warned by the second respondent. It is also seen from the records that the Manager of the school is the husband of the petitioner. In the explanation given by the petitioner, the petitioner admitted that as per the instruction of the third respondent Management, ie., her husband, she refused to receive the food essentials from the

said Shanthi for Noon Meal Project. Though she gave explanation, she refused to participate in the enquiry proceedings in spite of repeated opportunities given by the first respondent. Being a cook, that too the wife of the Manager of the third respondent school, the action of the petitioner refusing to receive the food essentials is a clear violation of the conditions of the Noon Meal Project.

6. In view of the reasons stated supra, the order of the first respondent requires no interference by this Court. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

KM

To

1. The District Collector,
Perambalur District, Perambalur.
2. The Commissioner,
Veppanthattai Panchayat Union,
Veppanthattai, Perambalur District.

+1cc to the Government Pleader, Sr. 56710

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W.P.No.33216 of 2003

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