



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **24.08.2017**

CORAM :
THE HONOURABLE MR.JUSTICE **T.RAJA**
W.P(MD)No.15983 of 2017

and
W.M.P(MD)Nos.12640 and 12641 of 2017

Sri Sowdambiga Middle School
Boadinayakanur-625 513,
by its Secretary S.Muthukamulu

.. Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Personal Assistant to the Collector of Theni,
Noon Meal Scheme, Theni District, Theni.

3.The Municipal Commissioner,
Bodinayakanoor Municipality,
Bodinayakanoor, Theni District.

4.Mrs.M.Arumugam

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the second respondent in Na.Ka.No.22999/2016/Voo.Va.11, dated 08.08.2017 appointing the fourth respondent as Noon Meal Assistant in the petitioner's school namely, Sri Sowdambiga Middle School, Bodinayakanur - 625 513 and quash the same and direct the respondents to select and appoint noon meal assistant in the petitioner's school as prescribed by G.O.Ms.No.4, dated 06.01.2011 issued by the Social Welfare and Noon Meal Scheme Department of Government of Tamil Nadu.

For Petitioner : Mr.K.K.Kannan

For Respondents 1 to 3 : Mr.K.Guru,

Additional Government Pleader.

O R D E R

Mr.K.Guru, learned Additional Government Pleader, takes notice for the respondents 1 to 3. In view of the nature of the relief sought for by the petitioner, notice to the fourth respondent is dispensed with.

2.By consent, the writ petition itself, is taken up for final disposal.

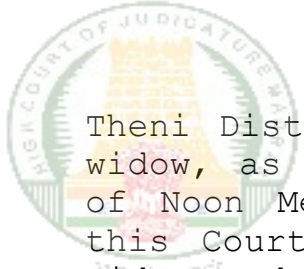


3.The petitioner has come to this Court for issuance of a Writ of Certiorari Mandamus to quash the impugned order passed by the second respondent in Na.Ka.No.22999/2016/Voo.Va.11, dated 08.08.2017, appointing the fourth respondent as Noon Meal Assistant in the petitioner's school, namely, Sri Sowdambiga Middle School, Bodinayakanur - 625 513 and direct the respondents to select and appoint Noon Meal Assistant in the petitioner's school, as prescribed in G.O.(Ms)No.4, Social Welfare and Noon Meal Scheme Department, dated 06.01.2011.

4.Heard both sides.

5.The petitioner has come to this Court questioning the appointment of the fourth respondent, namely, Mrs.M.Arumugam, W/o.Late. G.Muniappan, to the post of Noon Meal Assistant, on the ground that the Government of Tamil Nadu, has issued G.O.(Ms) No.918, Backward Class Welfare, Noon Meal Scheme and Social Welfare Department, dated 03.11.1989 and G.O.(Ms)No.294, Social Welfare and Noon Meal Scheme Department, dated 21.10.1993, prescribing the role of private schools management in the selection process of Noon Meal Servants, attached with the private schools. The minority schools are entitled to send list of candidates and on receipt of the same, the second respondent can consider the candidature of the applicants and pass appropriate orders. But, in the present case, without following the said procedure, the fourth respondent has been appointed as Noon Meal Assistant. Therefore, the impugned order is liable to be set aside, he pleaded.

6.Admittedly, since there was a vacancy for the post of Noon Meal Assistant in the petitioner's school, a representation was made by the petitioner to the second respondent, requesting to fill up the said post as per the list to be submitted by the petitioner management. But, the same was not considered. All of a sudden, the second respondent issued the impugned order in Na.Ka.No.22999/2016/Voo.Va.11, dated 08.08.2017, appointing the fourth respondent as Noon Meal Assistant, without following G.O. (Ms)No.4, dated 06.01.2011. As the said G.O.(Ms)No.4, dated 06.01.2011 was violated, the petitioner is compelled to challenge the appointment of the fourth respondent. But, this Court is unable to find any infirmity in the impugned order, while appointing the fourth respondent, who is a widow, to the post of Noon Meal Assistant, in the petitioner's school. The learned Additional Government Pleader appearing for the respondents 1 to 3 also submitted that the petitioner has not furnished list of candidates and therefore, taking note of long pendency of vacancy in the petitioner's school, while selecting suitable and eligible candidates for other schools, the second respondent, namely, Personal Assistant to the Collector of Theni, Noon Meal Scheme,



Theni District, Theni, has found the fourth respondent, who is a widow, as an eligible and suitable candidate to fill up the post of Noon Meal Assistant in the petitioner's school. Therefore, this Court, keeping in mind that the fourth respondent being a widow and applying equity, is not inclined to disturb the said order. Hence, the writ petition fails and accordingly the same is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are dismissed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,Theni District, Theni.
- 2.The Personal Assistant to the Collector of Theni,
Noon Meal Scheme, Theni District, Theni.
- 3.The Municipal Commissioner,
Bodinayakanoor Municipality,
Bodinayakanoor, Theni District.

+1cc to M/S.K.KANNAN, Advocate SR.No.74812

+1cc to Special Government Pleader, SR.No. 74804

psd/smn

MAS/KP/SAR2:08.09.2017:3P-6C

ORDER MADE IN
W.P. (MD)No.15983 of 2017
and
W.M.P. (MD)Nos.12640 and 12641 of 2017
24.08.2017