



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.05.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA
W.P (MD) No.8908 of 2017

and
WMP (MD) Nos.6823 and 6824 of 2017

K.Muthumari

... Petitioner

vs.

1) The District Collector,
Collectorate, Virudhunagar,
Virudhunagar District.

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

3) The Commissioner of Panchayat Union,
Kariappatti Panchayat Union,
Kariappatti,
Virudhunagar District.

4A.Vasuki

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.R3/968/2016, dated 24.04.2017 on the file of the Respondent No.1 and quash the same as illegal and consequently to direct the Respondents to consider the petitioner for appointment to the post of Noon Meal Organizer at Panchayat Union Middle School, Thoppur, Virudhunagar District within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Louis

For R1 & R2 : Mr.S.Kumar

Additional Government Pleader

For R3 : Mrs.S.Bharathi, Government Advocate

ORDER

This writ petition is directed against the impugned order dated 24.04.2017 passed by the District Collector, Virudhunagar District, in and by which, the 4th respondent/Mrs.A.Vasuki has been appointed as Noon Meal Organizer at Panchayat Union Middle School, Thoppur, Virudhunagar District.



2. Assailing the correctness of the impugned order, the learned counsel for the petitioner contended that when the petitioner is well qualified and residing in the same village as per the Rules, the 1st respondent should have given top priority to the petitioner, for the simple reason that she is residing within 3 kms radius from the Noon Meal Organising Centre at Panchayat Union Middle School, Thoppur, Virudhunagar District. Whereas, in the present case, the 1st respondent has wrongly considered the 4th respondent who is having less educational qualification than the petitioner and also coming from a nearby village having a distance of more than 4 kms.

3. Secondly, it is the contention of the petitioner that the official respondents have not even followed the norms for recruitment to the post of Noon Meal Organiser and without following any selection norms, the 4th respondent has been wrongly selected.

4. This Court is not agreeing with the abovesaid contentions of the petitioner. So far as the first contention of the petitioner is concerned, it has been settled in umpteen number of decisions that in the matter of appointment of Noon Meal Organiser, the selection committee should not confine the candidates that they should be residing within 3 kms radius. The second contention made by the petitioner that she is a B.A. Graduate in Economics and therefore, she should have been given top priority than the 4th respondent for the post of Noon Meal Organiser shall also fail. The reason is, when the educational qualification for the post of Noon Meal Organiser has been fulfilled by the 4th respondent, it is not open to the respondents to consider the higher qualification.

Therefore, this Writ Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Vacation Officer

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

- 1) The District Collector,
Collectorate, Virudhunagar, Virudhunagar District.
 - 2) The Personal Assistant to District Collector, Noon Meal Scheme,
O/o. the District Collector, Virudhunagar, Virudhunagar District.
 - 3) The Commissioner of Panchayat Union,
Kariappatti Panchayat Union, Kariappatti, Virudhunagar District.
- +1 CC TO MR. T. LAJAPATHI ROY, ADVOCATE, SR NO. 56266
+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO. 56463

mm/gsp

MAS/SV-MMS/SAR4:17.05.2017:2P-6C