



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2017

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD) No.989 of 2011
and
M.P.(MD) Nos.2 and 3 of 2011

P.Mahajothi

...Petitioner

Vs.

1.The District Collector,
(Noon Meal Scheme)
Ramanathapuram District,
Ramanathapuram.

2.The Commissioner,
Thiruppullani Union,
Ramanathapuram District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining in Na.Ka.No.W1/70960/2010 dated 13.01.2011 and quash the same and further direct the respondents to conduct the fresh interview for the Noon Meal Organizer without allotting to anybody in Pudukovil Village, Thirupullani Panchayat Union, Ramanathapuram District.

For Petitioner :Mr.K.Kumaravel

For Respondents :Mr.V.Muruganandham

Additional Government Pleader

O R D E R

This writ petition has been filed to direct the respondents to call for the records pertaining in Na.Ka.No.W1/70960/2010 dated 13.01.2011 and to quash the same and further direct the respondents to conduct the fresh interview for the Noon Meal Organizer without allotting to anybody in Pudukovil Village, Thirupullani Panchayat Union, Ramanathapuram District.

2.The learned counsel for the petitioner would submit that the petitioner has completed her school studies in the year of March 1999 at Government Higher Secondary School, Vannankundu. Thereafter, she got married with one Palchamy on 10.07.2003 and she has a son and her husband died in an accident. She belongs to Valayar community, which is the Most Backward Class in the District



of Ramanathapuram and in the state of Tamil Nadu. Since there was a vacancy at Noon Meal Centre, Panchayat Union Primay School, Pudukoil, Ramanathapuram District, the first respondent issued a call for notice in Na.Ka.No.W1/70960/2010 dated 13.01.2011 stating that the post of Noon Meal Organizer to the said area was allotted to Backward Class (Muslim). It shows the male fide intention of the first respondent. He would further submit that other than the Muslims peoples only are residing in the above area. More over the Pudukoil Noon Meal Centre comes under the Naina Maraikan Panchayat Union council limit. There are three Village Panchayats, namely, i) Chinnandivalasai ii) Panthira tharavai and iii) Naina Maraikan; and Chinnandi Valasai consisting six villages and Pathira Tharavai consisting four villages namely, i) Pathiratharavai ii) Poochi Valasai iii) Rajaveli iv) Paruthikattu and Nainamaraikan consisting six villages, namely, i) Nainamaraikan ii) Paruthikattu Valasai iii) Veeravel Valasai iv) Sakthipuram and e) Kollanthoppu. In all the 15 Villages, no one belonging to Muslim Community, is residing permanently or temporarily. In the above facts of the case, the petitioner is the only and apt candidate to apply for the post of Noon Meal Organizer at Pudukovil and she being a widow, priority should be given to her. The respondents were trying to select the Muslim candidates from out side the above said area. Therefore, she approached this Court by filing the writ petition, calling for fresh interview to the Noon Meal Organizer, Pudukoil.

3.On 07.02.2011 interview was conducted for the School at Pudukoil, wherein the said post of Noon Meal Organizer, Pudukovil has been allotted to Backward Class Muslim as per roaster. Since the petitioner belongs to the Most Backward Class and she does not belong to Muslim community, her application was not considered. Since in the said place, the post of Noon Meal Organizer is vacant from 2009, a temporary order has been made. So that on 17.08.2014 one Sanmugavalli, who is the residence of the said area and working as Noon Meal Organizer in Vallimadan, was transferred to Pudukovil and she has been working in the said place till now.

4.The District Collector, Ramanathapuram, has passed an order stating that Sarmila Banu W./o. Nijamuthin residing at 1/329, Vannankundu, Vannankundu Group, Ramanathapuram, completed +2 and aged about 33 years, lives within 2 kms., from the Pudukovil, will be appointed in the Pudukoil Village.

5.Though, the learned counsel for the petitioner would submit that the said person namely, Sarmila banu is living outside of the said jurisdiction, it was found otherwise. The respondents produced the ration card copy, which has been issued for the period 2005 - 2009, wherein the said Sarmila banu aged about 25 years, has been shown as the head of the family and also produced the smart card issued to them recently before this Court and the Aathar Card was also produced to show that she is living in Muslim Street, Vannankundu and also the Voter's ID card would also establish that she is residing at door No.343, Pudur Vannankundu, Muslim North



Street, Vannankundu, Ramanathapuram, which is within the territorial jurisdiction for the said selection.

6. From the above particulars and documents received from the officials by this Court, it is found that the said person, namely, Sarmila Banu, who belongs to Muslim Community, has been selected for the said post, which is allotted to Muslim Community and no illegality found in the selection of candidate to the said post. Hence, the writ petition is liable to be dismissed and accordingly, this writ petition is dismissed. It is open to the petitioner to apply for the said post if any vacancy arises in future. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
(Noon Meal Scheme)
Ramanathapuram District,
Ramanathapuram.

2. The Commissioner,
Thiruppullani Union,
Ramanathapuram District.

W.P. (MD) No. 989 of 2011

and

M.P. (MD) Nos. 2 and 3 of 2011

20.12.2017

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MS/SV-MMS/SAR-1/27.03.2018/3P.3C