

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2018

Coram

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20095 of 2009
and M.P.No.1 of 2009

S. Selvi

... Petitioner

vs

1. The District Collector
Villupuram District at
Villupuram.

2. The Block Development Officer,
Ulundurpet,
Villupuram District.

3. Mahalakshmi

... Respondents

Prayer : This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the 1st respondent in his proceedings No.Se.Mu.Na.Ka.PaE4/ 0142/2008 dated -09-2009 and quash the same in so far as the 3rd respondent is concerned and direct the respondents 1 and 2 to consider the petitioner as a Noon Meal Organiser in the Panchayat Union School, Neivanai Village, Ulundurpet Taluk, Villupuram District as per notification.

For petitioner : Mr.S.Saravanakumar

For Respondents : Mr.R.S.Selvam

Government Advocate (for R1)

Mrs.C.K.Vishnu Priya (for R2)

No appearance (for R3)

O R D E R

The relief sought for in this writ petition is to call for the records of the 1st respondent in his proceedings No.Se.Mu.Na.Ka.PaE4/ 0142/2008 dated -09-2009 and quash the same in so far as the 3rd respondent is concerned and direct the respondents 1 and 2 to consider the petitioner as a Noon Meal Organiser in the Panchayat Union School, Neivanai Village,

Ulundurpet Taluk, Villupuram District as per notification.

2. It is the case of the petitioner that she belongs to Hindu Adi Dravidar Community and deserted women having two children and hails from very poor family. The Block Development Officer, Ulundurpet Panchayat Union had called for an interview for the post of Noon Meal organiser and Assistant which are vacant in the School Nutritious Meal centres under the Puratchi Thalaivar M.G.R. Nutritious Meals Scheme. The Qualification fixed for the post are as follows:

- i) Ladies who are known to read and write
- ii) Age limit from 25 years to 40 years
- iii) the Applicant should reside within the radius of 10 Kms.
- iv) Priority should be given to widows and destitutes.

The petitioner has attended interview on 24.02.2009 between 10.00 a.m and 1.00 p.m and 2.00 p.m to 5.00 p.m. along with the Educational and other qualification certificates as required. Even though she was eligible for the said post and she is a deserted women aged about 35 years and she is able to read and write and more over she is residing nearby centre, the respondents 1 & 2 have given appointment to the third respondent (vide proceedings No.A6/417/2009 dated 19.02.2009) who is not fit for the said post, since she is younger to the petitioner and having 80% physically handicapped and receiving monthly stipend from the Government under the reservation of Physical Handicapped.

3. The learned counsel for the petitioner would submit that the petitioner is struggling with two children without any source of income except the Coolie work on daily wages. The petitioner has filed a petition in M.P.No.1 of 2009 to dispense with the production of the impugned order dated .09.2009 issued by the first respondent. The petitioner also filed a petition in M.P.No.2 of 2009 for staying the operation of the impugned order dated -09-2009 in Se Mu.Na.Ka. PaE4/0142/2008 in so far as the 3rd respondent is concerned pending disposal of the above writ petition. The said petition in M.P.No.2 of 2009 seeking stay of the impugned proceedings was dismissed by this Court on 11.09.2013 by observing that the writ petition was filed questioning the appointment of the 3rd respondent, but the 3rd respondent is already in service, hence the petition is dismissed".

4. The learned Government Advocate appearing on behalf of the first respondent would submit that at the time of attending the interview and at the time of filing the writ petition, the petitioner was 35 years old and the maximum age prescribed for the said post is 25 to 40 years. But, now the petitioner attained the age of 44 years, which is beyond the upper age limit prescribed for the said post, hence her claim cannot be

considered even in the future recruitments.

5. In view of the above submissions of the learned Government Advocate, nothing survives in this writ petition. Hence, it is liable to be dismissed.

6. In the result, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

vum/bkn

To

1. The District Collector
Villupuram District at
Villupuram.
2. The Block Development Officer,
Ulundurpet,
Villupuram District.

+1cc to Mr.S.Saravanakumar, Advocate SR.No.52154

+1cc to Government Pleader SR.No.52832

W.P.No.20095 of 2009
and M.P.No.1 of 2009

SSV(CO)
GMY(14/02/2019)

WEB COPY