

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 17.01.2018****CORAM:****WEB COPY****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P. (MD) No.10811 of 2017
and W.M.P.(MD)Nos.8230 to 8232 of 2017 &
W.M.P.(MD) No.11094 of 2017**

The Correspondent,
R.C.Middle School,
Scholavandan,
Vadipatti Union,
Madurai District - 625 214.

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. By its Secretary
Department of Social Welfare
and Nutritious Meals Programme
Fort St. George, Chennai - 600 009.

2.The District Collector,
District Collectorate
Madurai District, Madurai.

3.The Personal Assistant (Noon Meals)
to the District Collector
Madurai District, Madurai.

4.The Commissioner
Vadipatti Panchayat Union,
Vadipatti, Madurai District.

5.Soosainathan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned orders issued by the second respondent District Collector in Na.Ka.No.41193/2011/Sa.Vu.Thi.1 dated 18.07.2016 and the sequential proceedings issued by the 4th respondent Commissioner in Na.Ka.No.1017/2016/A5 dated 25.07.2016 and quash the same and further direct the respondents herein to appoint Noon Meal Organiser to the petitioner school from among the five eligible candidates recommended by the petitioner school vide its letter dated 09.03.2016.



For petitioner : Mr. Prabhu
For R-1 to R3 : Mr. Gunaseelan Muthiah
Additional Government Pleader
For R4 : Mr.S.Sethupathi
For R5 : No Appearance

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O R D E R

By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

2. Heard Mr. Prabhu, learned Counsel appearing for the petitioner, Mr.Gunaseelan Muthiah, learned Additional Government Pleader appearing for the respondents Nos. 1 to 3 and Mr.S.Sethupathy, learned counsel appearing for the fourth respondent.

3.The writ petitioner is a minority school. The issue relates to appointment of the fifth respondent as the Noon Meal Organiser in the petitioner's school. As per the Government orders, the Commissioner of the Panchayat Union must issue an advertisement calling for applications from eligible candidates. Only women are eligible to apply for the post of Noon Meal Organiser. After the applications are received, the Commissioner of the Panchayat Union will have to conduct an interview and prepare a list of eligible candidates. Therefore, the Correspondent of the concerned school shall shortlist five candidates. The District Collector will choose one among the said shortlisted candidates. Admittedly, this is the procedure that has to be followed.

4.In the present case, there is nothing on record to show that the fourth respondent issued any public advertisement. In any event, the writ petitioner was not involved in the process of shortlisting. The second respondent had arbitrarily chosen and appointed a candidate. The learned Counsel for the writ petitioner would also urge that as per the G.O., only a women can be appointed as a Noon Meal Organiser.

5.The Additional Government Pleader appearing for the respondents 1 to 3 is not in a position to show that the writ petitioner was ever called upon to shortlist the candidates. The second respondent has completely floated the procedures set out in G.O.Ms.No.4 (Social Welfare and Nutritious Meal Programme (Sa.Vu.Thi. 2) Department) dated 06.01.2011. The power to recommend five persons from the list finalised by the authorities has been clearly infringed in this case. On this ground, the impugned orders are quashed. This Writ petition stands allowed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To:

1. The Secretary to Government,
State of Tamil Nadu,
Department of Social Welfare
and Nutritious Meals Programme
Fort St. George, Chennai - 600 009.
2. The District Collector,
District Collectorate
Madurai District,
Madurai.
3. The Personal Assistant (Noon Meals)
to the District Collector
Madurai District,
Madurai.
4. The Commissioner
Vadipatti Panchayat Union,
Vadipatti
Madurai District.

+1cc to M/S.ISAAC CHAMBERS, Advocate SR.No.42626.
+1cc to Special Government Pleader in SR.No.42649.

ORDER MADE IN

W.P. (MD) No.10811 of 2017
and W.M.P. (MD) Nos.8230 to 8232 of 2017 &
W.M.P. (MD) No.11094 of 2017

17.01.2018

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SDS/KKR/SAR 2/19.02.2018/3P/7C