

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.A. Nos. 1412 and 1413 of 2013

W.A. No. 1412 of 2013

A. Saroja ... Appellant/Petitioner

Vs.

1. The District Collector,
Salem,
Salem District.
2. The Commissioner,
Pethanayakan Palayam Panchayat Union,
Aathur Taluk, Salem District.
3. R. Tamilselvi ... Respondents/Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 28.07.2011 in W.P. No. 3718 of 2011 on the file of this Court.

W.P. 3718/2011 & 3719/2011:

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of certiorarified Mandamus, Calling for the records of the 1st respondent in his Proceeding in Na.Ka.No.925/2009/ Sa.u.thi.2 dt.5.5.2010 Proceeding in Na.Ka.No.580/2010/Sa.u.thi.2 dt.9.12.2010 and proceeding in ROC No.586/2010/NMP-2 dt.13.1.2011 and quash the same and consequently direct the 1st respondent to appoint the petitioner as Noon Meal Organizer in Adiyanur Panchayat Union Primary School Noon Meal Center Pethanayakan Palayam Panchayat Union Aathur Taluk Salem District and Paachaadu Panchayat Union Elementary School Noon Meal Center Pethanayakan Palayam Panchayat Union Aathur Taluk Salem District.

W.A. No. 1413 of 2013

A. Revathi ... Appellant/Petitioner

Vs.

1. The District Collector,
Salem,
Salem District.

2. The Commissioner,
Pethanayakan Palayam Panchayat Union,
Aathur Taluk, Salem District.

3. A. Kamala ... Respondents/Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 28.07.2011 in W.P. No. 3719 of 2011 on the file of this Court.

W.P. 3719/2011:

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus Calling for the records of the 1st respondent in his Proceeding in Na.Ka.No.925/2009/ Sa.u.thi.2 dt.5.5.2010 Proceeding in Na.Ka.No.580/2010/Sa.u.thi.2 dt.9.12.2010 and proceeding in ROC No.586/2010/NMP-2 dt.13.1.2011 and quash the same and consequently direct the 1st respondent to appoint the petitioner as Noon Meal Organizer in Paachaadu Panchayat Union Elementary School Noon Meal Center Pethanayakan Palayam Panchayat Union Aathur Taluk Salem District.

For Appellants : Mr. K. Raja

For Respondents : M/s. A. Sri Jayanthi

Spl.Government Pleader for R1 & R2.

COMMON JUDGMENT
(Delivered by M.M.Sundresh,J.)

The appellants are women belonging to Scheduled Tribe community apart from being physically handicapped. Their candidatures were rejected as against the private respondents. Two reasons have been assigned for the appointment of private respondents, namely, the residences being nearer and qualification lesser. The learned Single Judge dismissed the writ petitions and hence the present appeals.

2. Learned counsel for the appellants would submit that even the learned Single Judge was pleased to hold that higher qualification is not a bar. Insofar as the residential qualification is concerned, the same cannot be the criteria. Therefore, the order requires interference.

3. The posts filled up were Noon Meal Organizers. Therefore, it is for the official respondents to choose the

persons suitable to them and in the absence of any mala fides, we do not find any error warranting interference at this stage. It appears that for more than eight years the private respondents are working. Therefore, leaving the legal issues open, we dismiss the writ appeals. However, we direct the official respondents to consider the case of the appellants for the future vacancies.

Accordingly, the appeals stand dismissed. No costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

ssm

To:

1.The District Collector,
Salem,
Salem District.

2. The Commissioner,
Pethanayakan Palayam Panchayat Union,
Aathur Taluk, Salem District.

+2 Ccs to Mr.K. Raja, Advocate sr 552 & 553.

+1 CC to The Govt. Pleader sr 1024

W.A. Nos. 1412 & 1413 of 2013

MR(CO)
SP(04/02/2019)

सत्यमेव जयते

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