

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.101 of 2018

And

W.M.P.Nos.111 and 112 of 2018

V.Malathi

...Petitioner

Vs

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Commissioner,
Kangayam Panchayat Union,
Kangayam,
Tiruppur District.

3.K.Thilagavathi

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.A1 /599/2016, dated 22.9.2017 and quash the same and consequently, directing the respondents 1 and 2 to appoint the petitioner as Noon Meal Organizer either in the Kovilpalayam Noon Meal Centre or any other Noon Meal Centre in which vacancies arises.

For Petitioner : Mr.C.Prakasam

For Respondents-1&2 : Mr.R.S.Selvam,
Government Advocate.

O R D E R

The order of appointment, appointing the third respondent in proceedings dated 22.9.2017 as Noon Meal Organizer, is under challenge in the present writ petition.

2. Pursuant to the notification, the writ petitioner submitted her application, seeking appointment to the post of Noon Meal Organizer for various schools situated in Tiruppur Panchayat Union and Kangeyam Panchayat Union.

3. The grievance of the writ petitioner is that the writ petitioner is residing very near to the Noon Meal Centre and the third respondent, who is residing far away, was appointed on certain extraneous considerations and by way of political influence.

4. The learned counsel for the writ petitioner reiterates that the appointments are made on certain extraneous considerations and the authorities have not followed the Rules in force for providing appointment to the third respondent. When the writ petitioner is residing adjacent to the Noon Meal Centre, the writ petitioner ought to have been appointed as Noon Meal Organizer in respect of the notification issued.

5. The learned Government Advocate, appearing on behalf of the respondents 1 and 2, submitted a letter sent by the Personal Assistant to the District Collector Mr.Veeramalai dated 10.1.2018. As per the said instructions, it is stated that the interview was conducted on 17.8.2017 and on 18.8.2017.

6. Pursuant to the interview conducted, the third respondent was appointed based on the recommendations made by the Interview Committee. As far as the distance is concerned, the Chart provided by the Personal Assistant to the District Collector shows that the writ petitioner, W/o.M.Senthilkumar residing at No.11-75(1), West Street, Sivanmalai, Kangayam Taluk, Tiruppur District, was aged about 37 years, passed XII Standard and she belongs to MBC Community and the distance of her house from the Noon Meal Centre is 2.5 kilo meters.

7. As far as the third respondent Smt.K.Thilagavathi, D/o.Kathiresan, residing at No.41/5, Keeranur Post, Kangayam Taluk, Tiruppur District, is concerned, she is aged about 38 years, passed XII Standard and she belongs to MBC Community and her residence is situated within the radius of 2.08 kilo meters.

8. Thus, both the writ petitioner as well as the third respondent are residing within the radius of 3 kilo meters from the Noon Meal Centre, which is a condition precedent for appointment to the post of Noon Meal Organizer.

9. As per the Government Orders, the person selected and appointed must reside within the radius of 3 kilo meters from the Noon Meal Centre.

10. This being the object, the writ petitioner cannot claim that her residence is the nearest one than that of the other person, who is appointed to the post of Noon Meal Organizer. It is the fulfillment of the requisite qualifications and not the comparative distance.

11. This apart, in respect of the allegations of political interference and mala fide, the writ petitioner has not substantiated the same and no authority has been impleaded as respondent in her personal capacity.

12. In the absence of any such definite allegations by the writ petitioner with substantial proof, this Court would not be in a position to adjudicate such allegations made blanketly.

13. This being the factum, this Court is of an opinion that the writ petitioner has not established any acceptable ground for the purpose of interference with the appointment order issued by the first respondent in respect of the third respondent.

14. Accordingly, the present writ petition is devoid of merits and the same stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Svn

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Commissioner,
Kangayam Panchayat Union,
Kangayam,
Tiruppur District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.10379

+1cc to Mr.R.S.Selvam, Govt. Advocate, High Court vide S.R.No.9885

+1cc to the Government Pleader, S.R.No.9708

W.P.No.101 of 2018

Kak(18/03/2019)

