

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.6881 of 2010

MP.No.1 of 2010

M.Ramani

.. Petitioner

Vs.

1. The Commissioner of Social Welfare,
Chennai - 600 005.

2. The Personal Assistant (Noon Meal) to
the Collector, Villupuram,
Villupuram District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in Na.Ka.25830/sa.U.Thi-Ni2/07 and quash the same and direct the respondents to reinstate the petitioner in service by posting her in any Noon Meal Centre in Vallam Block, Villupuram District without insisting on the residence requirement and grant all attendant benefits to the petitioner.

For Petitioner : Mr.Rajendran

For Respondent : Ms.K.Bhuvaneswari (for R1)

O R D E R

The petitioner is challenging the order dated 20.01.2010 rejecting the representation of the petitioner as Noon Meal Organizer and for further direction to reinstate the petitioner in service without insisting on the residence requirement and grant all attendant benefits.

2. The petitioner states that in the year 2006, applications were invited for appointment to the post of Noon Meal Organizer at the Government Higher Secondary School, Thaiyur, Vallam Panchayat Union. The petitioner submitted application for appointment to the said post. An interview was conducted on 22.11.2006 and the petitioner was appointed as Noon Meal Organizer vide proceedings Roc.PE4/11335/2006-11 dated 06.12.2006. The petitioner received a show-cause on 28.12.2008 stating that the Commissioner of Social Welfare,

Chennai / first respondent herein, had passed an order directing to review the appointment on the basis of the order dated 16.02.2007 passed by this court in WP.No.5567 of 2007. The petitioner was not a party to the said writ petition.

3. The petitioner has worked continuously for the period of two years from the date of her appointment. The petitioner states that by an order dated 06.08.2009 in WP.No.15681 of 2009, the appointment of the petitioner has been cancelled. The petitioner further states that she filed a writ petition against the order of cancellation in WP.No.15681 of 2009. This court by an order dated 06.08.2009 permitted the petitioner to make a representation. The representation has been rejected by the impugned order. Challenging the rejection, the instant writ petition has been filed.

4. The facts are not in dispute. The petitioner was selected and appointed as Noon Meal Organizer. A writ petition was filed by one Elavarasi in WP.No.5567 of 2007 stating that she should have been appointed as the Noon Meal Organizer. This Court by an order dated 16.02.2007 directed the respondents to consider the representation and pass orders. While considering the representation it was found that the Elavarasi is a widow, a destitute and a local resident residing within eight kilometres of the school and therefore she is more qualified than the petitioner. The petitioner is not a widow and the fact that she has prayed in the writ petition for exemption on the residence requirement shows that she does not fulfill the prescribed requirement.

5. The learned Government Pleader states that there is a limit of 8 kms within which the Noon Meal Organizer must reside. The above said facts demonstrates that the said Elavarasi was more qualified to be appointed than the petitioner. The impugned order rejecting the representation therefore cannot be found fault with. However, in view of the fact that the petitioner had worked for two years and that there was no complaint against her performance, it is open to the respondent to consider the petitioner for appointment as Noon Meal Organizer in any other school if she is otherwise qualified and if there are no other persons who are more qualified than the petitioner in future vacancies. No order of recovery be made from the petitioner for the period she has worked as a Noon Meal Organizer.

6. Writ petition is disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Pkn.
To

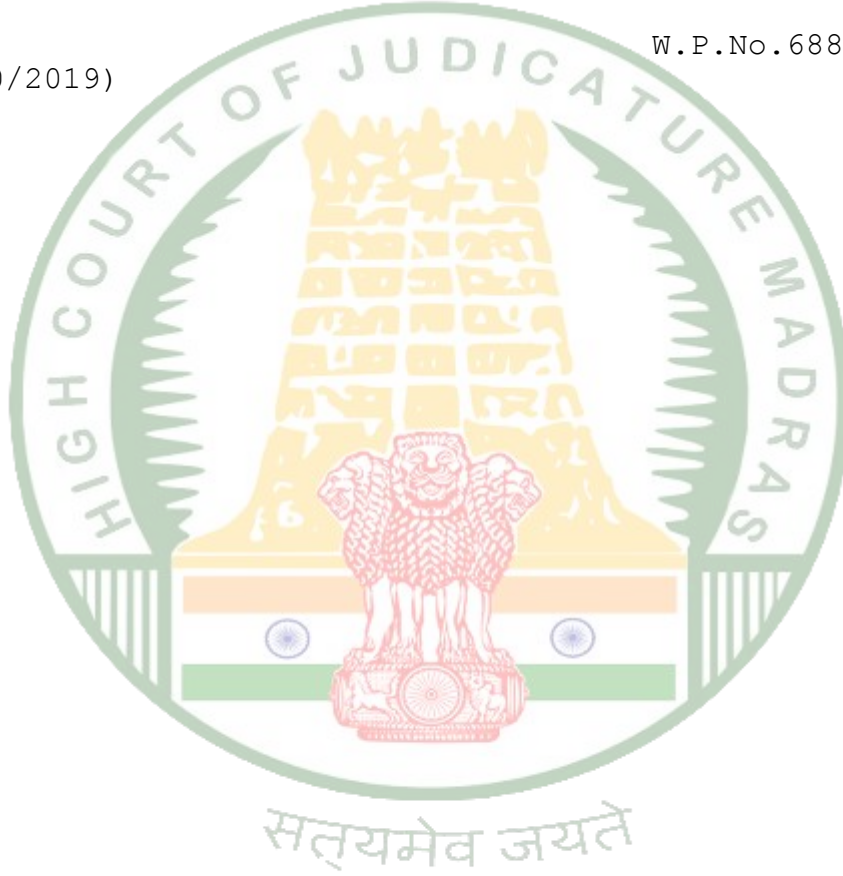
1. The Commissioner of Social Welfare,
Chennai - 600 005.

2. The Personal Assistant (Noon Meal) to
the Collector, Villupuram,
Villupuram District.

+1cc to Mr.P.B.Ramanujam , Advocate SR.No. 80822
+1 cc to Government Pleader Sr.No.80693

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A.SK(16/10/2019)



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