

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 11.07.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No. 1391 of 2018

&

W.M.P.No.1758 of 2018

Mrs.S.Jeeva

...Petitioner

Vs.

1.The District Collector,
Vellore District.

2.The Commissioner,
Vellore Panchayat Union,
O/o.Vellore Panchayat Union,
Vellore District.

3.The Manager,
M.D.Aided Elementary School,
School Street, Periya Thellur Village & Post,
Vellore Panchayat Union,
Vellore - 632 105.

4.Mrs.Sivasankari

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in connection with order passed in Na.Ka.No.1551/2016/BG1 dated 26.12.2017 appointing the 4th respondent to the post of Noon Meal Organizer in the third respondent school and quash the same and direct the first respondent to appoint the petitioner to the post of Noon Meal Organizer in the third respondent school.

For Petitioner : Mr.J.Shanmugasundara Babu

For Respondents: Mr.J.Pothyraraj, Spl.G.P.(for R.1)
Mr.R.S.Selvam, G.A. (for R.2)
No appearance for R.3 and R.4

ORDER

The petitioner has challenged the appointment of the fourth respondent as Non-Meal Organizer, by order of the first respondent dated 20.12.2017. The principal objection to the appointment of the fourth respondent, according to the petitioner herein, is that the fourth respondent is not living within 3.00 km distance, as per the relevant Government Orders and hence, her appointment is bad in law.

2.At this, the learned Special Government Pleader appearing for the first respondent would submit that the distance factor is only in respect of appointment to Government Schools. As far as the present impugned appointment is concerned, it is in respect of a private minority school, i.e., the third respondent herein, wherein such distance factor is not one of the conditions prescribed for appointment as Noon Meal Organizer.

3.The learned Special Government Pleader would also submit that since the third respondent is a private minority institution, it can appoint its own person and after selection, the names are to be forwarded to the first respondent and a panel of 5 names had been forwarded, in which, the petitioner's name was not found. Ultimately, the fourth respondent was selected and appointed. Therefore, according to the learned Special Government Pleader, the appointment of the fourth respondent is proper and the same does not call for any interference.

4.In view of the above, this Court is of the view that the challenge to the appointment of the fourth respondent has to fail and this writ petition appears to be devoid of merits and hence, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

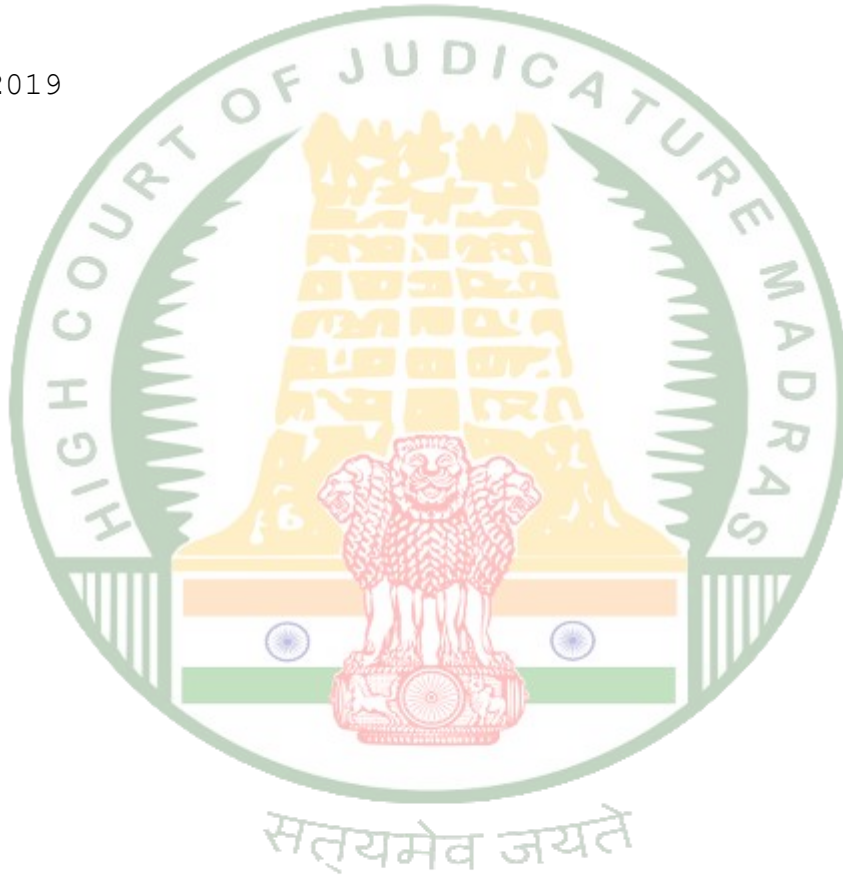
1.The District Collector,
Vellore District.

2.The Commissioner,
Vellore Panchayat Union,
O/o.Vellore Panchayat Union,
Vellore District.

+1cc to Mr.J.Shanmugasundara Babu, Advocate sr.59041
+1cc to Mr.R.S.Selvam, Advocate sr.58926
+1cc to Government Pleader sr.59734

Writ Petition Nos.1391 of 2018

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nr 16/09/2019



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