

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.Nos.42803 to 42814 of 2016
WMP.Nos.36730 to 36742 of 2016

1.T.Selvi	Petitioner-WP.No.42803/16
2.G.Deepa	Petitioner-WP.No.42804/16
3.T.Kalaivani	Petitioner-WP.No.42805/16
4.S.Gomathi	Petitioner-WP.No.42806/16
5.R.Lakshmi	Petitioner-WP.No.42807/16
6.K.Chitra	Petitioner-WP.No.42808/16
7.R.Kavitha	Petitioner-WP.No.42809/16
8.A.Kalavathy	Petitioner-WP.No.42810/16
9.B.Jayanthi	Petitioner-WP.No.42811/16
10.D.Punitha	Petitioner-WP.No.42812/16
11.S.Rajeswari	Petitioner-WP.No.42813/16
12.S.Sumathi	Petitioner-WP.No.42814/16

Vs

- 1.State of Tamil Nadu by its Secretary to Government
Social Welfare and Nutritious Meal Programme Department
Secretariat, Fort St.George, Chennai-9
- 2.The District Collector, Krishnagiri Respondents in all Wps

Prayer:- These Writ Petitions have been filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 2nd Respondent in Na.Ka.No. 33494/2015/X1, dated 30.12.2015, Na.Ka.No.2254/2016/X1, dated 26.10.2016, Na.Ka.No.33494/2015/X1, dated 30.12.2015, Na.Ka.No. 33494/2015/X1, dated 30.12.2015, Na.Ka.No. 6174/2016/X1, dated 09.03.2016, Na.Ka.No. 33494/2015/X1, dated 30.12.2015, Na.Ka.No.2254/2016/X1, dated 26.10.2016, Na.Ka.No.2254 /2016/X1, dated 26.10.2016, Na.Ka.No.33494/2015/X1, dated 30.12.2015, Na.Ka.No.6174/2016/X1, dated 05.08.2016 and Na.Ka.No.33494/2015/X1, dated 30.12.2015, respectively and to quash the same and consequently, to direct the Respondents to provide regular appointment to the Petitioners to the post of Noon Meal Organiser(in Wps.42803 to 82805, 42807, 42808, 42810 to

42814/19 & Post of cook(in Wps.42806 & 42809/16 respectively) or any other entry level post, to which the Petitioners are qualified with all consequential and other attendant benefits.

For Petitioner : Mr.Neelakandan for Mr.C.Mahendran

For Respondents: Mr.A.Zakkir Hussain, Government Advocate

COMMON ORDER

- 1.The prayers in these Writ Petitions are to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 2nd Respondent in Na.Ka.No. 33494/2015/X1, dated 30.12.2015, Na.Ka.No.2254/2016/X1, dated 26.10.2016, Na.Ka.No.33494/ 2015/X1, dated 30.12.2015, Na.Ka.No.33494/2015/X1,dated30.12.2015, Na.Ka.No.33494/2015/X1, dated 30.12.2015, Na.Ka.No.6174/2016/X1, dated 09.03.2016, Na.Ka.No.33494/2015/X1,dated 30.12.2015, Na.Ka.No.2254/2016/X1, dated 26.10.2016, Na.Ka.No.2254 /2016/X1, dated 26.10.2016, Na.Ka.No.33494/2015/X1, dated 30.12.2015, Na.Ka.No.6174/ 2016/X1, dated 05.08.2016 and Na.Ka.No.33494/2015/X1, dated 30.12.2015, respectively and to quash the same and consequently, to direct the Respondents to provide regular appointment to the Petitioners to the post of Noon Meal Organiser or any other entry level post, to which the Petitioners are qualified with all consequential and other attendant benefits.
- 2.The facts of the case in a nutshell are that the Petitioners were appointed as Coordinators in the Adult Literacy Programme under 'Kalvi Valarchi Thittam', in the year 2003 and after more than five year of service, they were removed from service. In 2010, the Block Development Officer had submitted a proposal to the 2nd Respondent, District Collector to consider the Petitioners' for appointment to the post of Noon Meal Organiser and the 2nd Respondent had issued the impugned proceedings, stating that there were no Government Orders for the persons, who had already worked in Valar Kalvi Thittam and who had been removed from service, to get appointment in the Noon Meal Scheme and that the individual should participate in the selection to the post of Noon Meal Organizer, if he/she is qualified, on advertisement. As against the same, these Writ Petition have been filed, seeking the reliefs as stated above.
- 3.The Respondent has filed separate counter affidavits, contending that in and by the GO.Ms.No.163, Social Welfare and Nutrition Meal Programme, dated 18.08.2010, only certain guidelines, rules and regulations had been framed for selecting the Noon Meal Organiser, besides the rules of reservation,

rotation, priority, non priority, etc. to be followed and that it is open to the Petitioners to apply for the same and the eligible candidates will be selected for the post of Noon Meal Organiser during the next recruitment and that there is no provision in the said Government Order to consider the case of Ex-Workers, like the Petitioners herein.

4. This court heard the learned counsel on either side and considered their submissions and also perused the materials placed on record.
5. According to the learned counsel for the Petitioners, by order dated, 01.07.2011 made in WP.No.10435 of 2011, this Court had permitted the Petitioners therein to submit a joint representation to the 1st Respondent and the 1st Respondent was directed to consider the same and pass appropriate orders, on merits and in accordance with law. Pursuant to such directions, the District Collector, Krishnagiri had complied with the said order and issued appointment orders in the Krishnagiri District in favour of similarly placed persons and hence, the same yardstick may be applied to the Petitioners herein also.
6. However, in the light of the counter affidavits filed by the Respondents and following the order dated, 01.07.2011 made in WP.No.10435 of 2011, by this Court, without going into the merits of the case on hand, the Petitioners herein are permitted to submit a representation to the Respondents within a period of two weeks from the date of receipt of a copy of this order and on such representation being made, the Respondents are directed to consider the same and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible.
7. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, the connected MPs are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Srcm

To

1. The Secretary to Government, Social Welfare and Nutritious Meal Programme Department, Secretariat, Fort St. George, Chennai-9

2.The District Collector, Krishnagiri

+1cc to Government Pleader SR.NO. 105768 to 105779

+12cc to Mr.C.Mahendran, Advocate sr.104579 to 104590

WP.Nos.42803 to 42814 of 2016

rv(co)
nr 29/01/2020



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