

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.25270 of 2018

and

WMP.No.29379 of 2018

Tmt.Soniya

...Petitioner

Vs

1.The District Collector,
O/o. Collectorate,
Sathuvachari,
Vellore District,
Vellore.

2.The Commissioner,
Vaniyambadi Municipality,
Vellore District,
Vellore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Mandamus, directing the respondents to appoint the petitioner in the post of Noon Meal Organiser, at Municipality Muslim Girls Middle School, Ward No.23, Vaniyabadi Municipality, Vellore District.

For Petitioner : Mr.A.Kumanaraja

For Respondents : Mr.A.N.Thambidurai for R1
Special Government Pleader
: Mr.D.Suriya Narayanan for R2
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to appoint the writ

petitioner in the post of Noon meal Organizer at Municipality Muslim Girls Middle School, Ward No.23, Vaniyambadi Municipality, Vellore District.

2. The learned counsel appearing on behalf of the writ petitioner states that, the writ petitioner is fully qualified for appointment to the post of Noon Meal Organizer, and she participated in the process of selection conducted by the respondents. The writ petitioner received the interview call letter on 12.04.2017 and accordingly, attended the interview. The process of certificate verification also had been completed. Under these circumstances, the writ petitioner is entitled for appointment to the post of Noon Meal Organizer.

3. The learned counsel for the writ petitioner states that, no action has been taken to appoint the writ petitioner. This Court is of the considered opinion that, mere participation in the process of selection would not confer any right on the candidate to seek appointment. Undoubtedly, the writ petitioner had participated in the process of interview and her certificates were also verified. This will not confer any right on the writ petitioner to seek appointment by filing a present writ petition.

4. The counter affidavit filed by the District Collector, Vellore District, states that, the interview for selection to the post of Noon Meal Organizer was conducted on 26.04.2017. The marks obtained by the writ petitioner and selected candidate in the interview held on 26.04.2017 are detailed below.

Sl. No	Particulars	Maximum Marks	Marks obtained by the Candidate selected (S.Roja, W/o.T.Shan mugam)	Petitioner (S.Soniya, W/o.Sentha mizh)
1)	Age Factor (both are below 35)	5 Marks.	-	-
2)	(A) For resident within one km radius of Noon Meal Centre	20 Marks (Maximum)	20 Marks	-

Sl. No	Particulars		Maximum Marks	Marks obtained by the Candidate selected (S.Roja, W/o.T.Shanmugam)	Petitioner (S.Soniya, W/o.Senthamizh)
	b)	For resident outside 1 km radius but within 2 km distance from the Noon meal Centre	10 marks	-	-
	c)	For resident outside 1 km radius but within 3 km distance from the Noon meal Centre	5 marks	-	5 marks
3)	For possessing Ration Card - Anthothya Anna Yogana Card/Green Card		5/2 marks	2 marks	-
4)	a)	For Destitute Widow	10 Marks	-	-
	b)	For Deserted Woman (Abandoned by Husband)/Widow	5 marks	-	-
5)	Candidate having two female children		5 marks	5 marks	-
6)	For knowledge in maintaining Accounts		5 marks	3 marks	3 marks
	Total		50 marks	30 marks	8 marks

5. The selected candidate was having 34 years of age and residing within a radius as prescribed in the Government order and given weightage that she had two girl children and possessed Anthothya Anna Yogana Card. Based on all the parameters, she edged out the writ petitioner and got selected by the selection committee, for appointment to the post of Noon Meal Organizer in Pudur Municipal Hindu Elementary School.

6. This Court is of the considered opinion that, the assessment of the merit made by the competent committee cannot be interfered with, unless the writ petitioner is able to establish that the process of selection was tainted with mala fide or corrupt activities. However, no such allegations are raised in the present writ petition and one candidate namely Smt.S.Roja, W/o. T.Shanmugam, was selected and appointed and now serving in the post of Noon Meal Organizer.

7. This being the factum, the relief as such sought for in the present writ petition cannot be granted and accordingly, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pkn

To

1.The District Collector,
O/o. Collectorate,
Sathuvachari,
Vellore District,
Vellore.

2.The Commissioner,
Vaniyambadi Municipality,
Vellore District,
Vellore.

+lcc to Mr.D.Suriya Narayanan, Advocate sr.35233
+lcc to Government Pleader sr.36302

W.P.No.25270 of 2018

nr 13/05/2019

सत्यमेव जयते

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