



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P.(MD)No.8352 of 2016andWMP(MD)Nos.6757 and 6758 of 2016

V.Kaliammal

...Petitioner

/Vs./

1.The District Collector,
Trichy District.2.The Commissioner,
Vaiyampatti Panchayat Union,
Trichy District.

3.V.Pushpam

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records relating to the proceedings of the impugned order in RC.N6/231/15, dated 19.02.2016 on the file of the first respondent and quash the same and further directing the first and second respondents to appoint the petitioner as Noon Meal Organizer in Panchayat Union Primary School, Venkatachalapuram.

For Petitioner

: Mr.G.Prahbu Rajadurai

For R1 & R2

: Mr.S.Angappan

Government Advocate

For R3

: Mr.P.Athimoolapandian

ORDER

The writ petition has been filed to quash the proceedings of the first respondent, dated 19.02.2016 and consequently, direct the first and second respondents to appoint the petitioner as Noon Meal Organizer in Panchayat Union Primary School, Venkatachalapuram.

2.Heard the learned counsel for the petitioner; the learned Government for the respondents 1 and 2 and the learned counsel for the third respondent.

3.The petitioner's application for appointment as Noon Meal Organizer came to be rejected and the third respondent was selected, considering the age, educational qualification and all other aspects. The one and only ground raised by the petitioner in this case is that the third respondent is residing beyond three kilometers, which is mandatory condition for consideration of such appointment.



4. Counter affidavit came to be filed by the second respondent, wherein it is stated that the third respondent was preferred by the Selection Committee by taking into consideration of various parameters including the financial condition of the persons participated in the interview and their performance in the interview. Both the petitioner as well as the third respondent are residing within Vaiyampatti Panchayat Union as well as Manaparai Taluk limit and that as per the reorganization of the Taluk as well as Block limits, the contention that the third respondent is residing 7 kms away is not sustainable as she is residing within a radius of 3 kms which was recorded during the selection process and hence, she was preferred over other participants and hence, the petition filed by the petitioner on the settled proposition of law that no one who has participated in the interview has an indefeasible right to insist that she should be appointed, since the employer has every right to select a person, considering all parameters relating to the job and hence, he prayed for dismissal of this writ petition as not maintainable.

5. In view of the stand taken by the second respondent in the counter affidavit and finding it sustainable, this writ petition deserves to be dismissed and accordingly, dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar

rj2

To

1. The District Collector,
Trichy District.
2. The Commissioner,
Vaiyampatti Panchayat Union,
Trichy District.

1 CC to M/s.P.ATHIMOOLAPANDIAN, Advocate (SR-49984[F] dated 27/02/2019)
+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-50269[F] dated 27/02/2019)
+1 CC to M/s.SPL GP (SR-50523[F] dated 28/02/2019)

W.P. (MD) No.8352 of 2016