



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. 8532 of 2016

and

WMP (MD) Nos. 6847 and 6848 of 2016

M. Thamaraiselvi

...Petitioner

/Vs./

1. District Collector/The Chairman
District Rural Urban Agency
Thiruchirappalli District.

2. The Project Officer,
Mid Day Meals Scheme
District Rural Urban Agency,
Thiruchirappalli District.

3. The Commissioner,
Marungapuri Panchayat Union,
Thiruchirappalli District.

4. Sasikala

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in Na.Ka.No.Aa5/0225/2016, dated 02.02.2016, by cancelling the appointment order issued in favour of Sasikala, consequently, directing the respondents to appoint the petitioner for the post of mid-day meal organizer at Kezhvalpatti Panchayat Union Primary School, Marungapuri Union by considering the petitioner's representation, dated 04.03.2016.

For Petitioner

: Mr.S.Sudhakar

For R1 & R2

: Mr.S.Angappan, Government Advocate

For R3

: Mr.S.Sathesh Kumar

ORDER

The writ petition has been filed to quash the proceedings of the third respondent, dated 02.02.2016 by cancelling the appointment order issued in favour of Mrs.Sasikala and consequently, direct the respondents to appoint the petitioner for the post of mid-day meal organizer at Kezhvalpatti Panchayat Union Primary School, Marungapuri Union by considering the petitioner's representation, dated 04.03.2016.

2. Heard the learned counsel for the petitioner; the learned Government Advocate 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 fourth 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 fourth respondent is residing beyond three kilometers, which is mandatory condition for consideration of such appointment.

4.Counter affidavit came to be filed by the third respondent, wherein it is stated that the fourth respondent was preferred over other 16 candidates and further in the interview also, she was found more suitable to hold the post of Noon Meal Organizer than the petitioner and hence, she was preferred by the Selection Committee and was given appointment, which is perfectly legal and in accordance with the Rules framed by the Government. It is further stated that the impugned order dated 02.02.2016 is only a notice calling for the candidates to appear for interview and that the petitioner has not challenged the order of appointment passed by the first respondent and hence, he prayed for dismissal of this writ petition, as not maintainable.

5.In view of the stand taken by the third 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/The Chairman
District Rural Urban Agency, Thiruchirappalli District.
- 2.The Project Officer,
Mid Day Meals Scheme
District Rural Urban Agency, Thiruchirappalli District.
- 3.The Commissioner,
Marungapuri Panchayat Union, Thiruchirappalli District.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-49944[F])

+1 CC to M/s.SPL GP (SR-50528[F] dated 28/02/2019)

W.P. (MD) No.8532 of 2016

26.02.2019