



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.21047 of 2019

V.Lakshmi

... Petitioner

Vs.

1. The Secretary to Government,
State of Tamil Nadu,
Social Welfare & Nutritious Meal
Programme Department,
St. George Fort,
Chennai-600 009.
2. The District Collector,
Thanjavur District,
Thanjavur.
3. The Municipal Commissioner/Special Officer,
Kumbakonam Municipality,
30/64 Dr.Moorthy Road,
Kumbakonam,
Thanjavur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to consider and pass appropriate orders on the petitioner's representation, dated 12.09.2019 and promote the petitioner as Noon Meal Organiser as per the communication, dated 21.06.2018 of the second respondent pursuant to the G.O.Ms.No.163, dated 18.08.2010 Social Welfare and Nutritious Department.

For Petitioner : Mr.N.R.Balaji

For R1 & R2 : Mr.C.Ramar,
Additional Government Pleader

For R3 : Mr.Rajarajan

**ORDER**

This writ petition is filed seeking for a mandamus, directing the second respondent to consider and pass appropriate orders on the petitioner's representation, dated 12.09.2019 and promote the petitioner as Noon Meal Organiser as per the communication of the second respondent, dated 21.06.2018, pursuant to G.O.Ms.No.163, dated 18.08.2010, Social Welfare and Nutritious Department.

2. Mr.C.Ramar, learned Additional Government Pleader takes notice for the respondents 1 & 2 and Mr.Rajarajan, learned counsel takes notice for the third respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as Cook Assistant on 13.07.2009 in the Kumbakonam Municipality Primary School, Banathurai, Kumbakonam, Thanjavur District. By order, dated 13.07.2016, she was promoted as Cook in N.V.N.Municipal Primary School. Now, the respondents are trying to fill up 25% of the vacancies available for promotions to the in service employees, by direct recruitment. The petitioner gave representation to the respondents on 29.01.2018 to consider her for promotion to the post of Noon Meal Organizer. However, the respondents have not passed any orders on the representation. Hence, the petitioner has filed a writ petition in W.P.(MD)No.4225 of 2018 to consider her representation. The said writ petition was disposed of by this Court on 02.03.2018 directing the second respondent to consider the petitioner's representation, dated 29.01.2018 and pass orders. The second respondent by the proceedings dated 21.06.2018, rejected her request on the ground that she has not completed 10 years of service as Nutritious Cook Assistant/Cook, as required by G.O.(MS)No.163, Social Welfare and Noon Meal Scheme Department, dated 18.08.2010 and in the communication, it is also stated that after the petitioner completed 10 years of service, she would be considered for promotion to the post of Noon Meal Organizer.

4. The learned counsel appearing for the petitioner contended that the petitioner joined as Cook Assistant on 13.07.2009 and now, she has completed 10 years of service and possessed the required educational qualification as per G.O.(MS)No.163, Social Welfare and Noon Meal Scheme Department, dated 18.08.2010. She gave representation, dated 12.09.2019, through proper channel and also in-person to the second respondent. Since no order was passed on the representation, the petitioner has come out with the present writ petition.

<https://hcservices.courts.gov.in/hcservices/> 5. Considering the facts and circumstances of the case and



also considering the submission of the learned counsel for the petitioner, the petitioner is directed to send fresh representation along with copy of this order to the second respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the second respondent is directed to consider the same and pass orders on merits and in accordance with law, within a period of eight weeks thereafter.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Secretary to Government,
Social Welfare & Nutritious Meal
Programme Department,
St. George Fort, Chennai-600 009.

2. The District Collector,
Thanjavur District, Thanjavur.

+1 CC to M/s.N.R. BALAJI, Advocate (SR-90491[F] dated
30/09/2019)

+1 CC to M/s.M. RAJARAJAN, Advocate (SR-90934[F] dated
03/10/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-90901[F] dated
01/10/2019)

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30.09.2019

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