

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1868 of 2020

S.Deepa

Petitioner

vs.

1. Government of Tamil Nadu
Rep. by its Secretary,
Social Welfare and Nutritious Meal Department,
Secretariat,
Chennai - 600 009.
2. The District Collector,
Krishnagiri District,
Krishnagiri.
3. The Chief Educational Officer,
Krishnagiri.
4. The Block Development Officer,
Burgur,
Krishnagiri District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned orders in ROC.No.231985/2018/X1 Dated 04.09.2019 on the file of the 2nd respondent and quash the same; consequently direct the 1st and 2nd respondents to give appointment to the petitioner as Noon Meal Organizer in the available vacancies within Burgur Block in Krishnagiri District

For Petitioner : Mr.R.Neelakandan for
M/s.C.Mahendran

For Respondents: Mr.N.Srinivasan
Additional Government Pleader

O R D E R

This writ petition has been filed challenging the order passed by the 2nd respondent dated 04.09.2019, rejecting the claim made by the petitioner to be considered for appointment as Noon Meal Organizer.

2.The case of the petitioner is that her father-in-law owned a property and he donated an extent of 1.30 acres by virtue of a gift, dated 21.07.2006 to the Education Department. The Government High School was constructed in the said property. The petitioner has made a claim to the effect that she should be considered for appointment as Noon Meal Organizer in the School that was constructed in the property that was donated by her father-in-law. The 2nd respondent has rejected the claim made by the petitioner by virtue of the impugned order dated 04.09.2019 and the same has been made a subject matter of challenge in the present writ petition.

3.Heard Mr.R.Neelakandan, learned counsel appearing on behalf of the petitioner and Mr.N.Srinivasan, learned Additional Government Pleader appearing on behalf of the respondents.

4.The father-in-law of the petitioner has donated his property to the Education Department without any expectations. The very word 'Donation' indicates that it is given out of love and affection without any expectation. However, the petitioner being the daughter-in-law is expecting the Government to give her appointment as Noon Meal Organizer. For this purpose, the petitioner is relying upon the case of a similarly placed person who was given such an appointment on 06.09.2016.

5.The 2nd respondent while considering the claim made by the petitioner has come to a conclusion that there is no scope for granting appointment to the petitioner to the post of Noon Mean Organizer. The 2nd respondent has stated in the impugned order that application can be considered for an appointment either by a regular recruitment process or on the basis of compassionate appointment. The petitioner is not falling within any of these two heads. The petitioner wants her case to be considered only on basis of gift deed that was executed by her father-in-law and the case of a similar person who was granted such an appointment.

6.In the considered view of this Court, public employment cannot be given by the authorities on their own whims and fancies and it has to satisfy the rules governing the same. The claim made by the petitioner does not have the backing of any rule and it is claimed only on the ground that a similarly placed person was given such an appointment. There is no

provision in the rules or in any Government orders where the family members of the land donors can be considered for appointment. Therefore, the 2nd respondent has rightly rejected the claim made by the petitioner seeking for appointment as Noon Meal Organizer and this Court does not find any ground to interfere with the same.

7. In the result, this writ petition stands dismissed. No Costs.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

ssr
To

1. The Secretary,
Social Welfare and Nutritious Meal Department,
Secretariat,
Chennai - 600 009.
2. The District Collector,
Krishnagiri District,
Krishnagiri.
3. The Chief Educational Officer,
Krishnagiri.
4. The Block Development Officer,
Burgur,
Krishnagiri District.
5. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.C. Mahendran, Advocate sr 6371
+1 CC to Govt. Pleader sr 6682.

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MR (CO)
SP (27/02/2020)