



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.19035 of 2010
and M.P.No.1 of 2010

T.S.Pushpa

...Petitioner

vs.

1. The Commissioner,
Social Welfare and Nutritious Meal
Programme Department,
Chepauk, Chennai - 600 005.

2. The Collector,
Krishnagiri,
Krishnagiri District.

3. A.Ezhil Arasi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for the records relating to the impugned order of the second respondent in Na.Ka.No.31588/08/X-1 dated 31.07.2010 and quash the same and direct the Respondents 1 and 2 to appoint the Petitioner in the post of Noon Meal Organizer now held by the 3rd Respondent with effect from the date of appointment of the 3rd Respondent.

For Petitioner : Ms.Kowsalya
for Mr.P.Rajendran

For Respondents 1 & 2 : Mr.A.Zakir Hussain,
Government Advocate

For 3rd Respondent : Mrs.C.K.Vishnu Priya

O R D E R

Petitioner has come up with the present Writ Petition challenging the appointment order dated 31.07.2010 issued to the 3rd Respondent herein on the ground that, Communal Reservation has not been followed in the matter of appointment to the post of Noon Meal Organizer and for a direction to the official Respondents to appoint her to the said post, with effect from the date of appointment of the 3rd Respondent herein.



2. According to the Petitioner, as per G.O.Ms.No.142, Social Welfare and Nutritious Meal Programme Department, dated 06.07.2010, communal reservation has to be followed in appointments made to the post of Noon Meal Organiser and that, the said post was reserved for OC category. It is the case of the Petitioner that, she is a widow coming under OC category and in all fairness, the 2nd Respondent ought to have appointed her to the said post. Whereas, the 3rd Respondent herein belongs to BC category, and she is not a widow. Hence, according to the Petitioner, she is entitled to be given preference over the 3rd Respondent.

3. While so, learned Government Advocate appearing for Respondents 1 and 2 and the learned counsel appearing for the 3rd Respondent herein submitted that, the Petitioner cannot claim preference over the 3rd Respondent and the Government Order referred to by her, is not applicable to her case.

4. It is not in dispute that, for the post of Noon Meal Organizer at Panchayat Union Primary School, A.T.Onnupalli in Thandarai Panchayat, Thalli Block, selection took place in the year 2009 and the 3rd Respondent was selected and successfully appointed in the said post. No doubt, G.O.Ms.No.142, dated 06.07.2010 pertains to communal reservation. Even though appointment order has been issued to the 3rd Respondent on 31.07.2010 subsequent to the issuance of G.O.Ms.No.142, dated 06.07.2010, the Petitioner cannot rely upon the said Government Order to nullify the selection that took place in the year 2009, as the said Government Order cannot be applied retrospectively and it takes effect prospectively. Hence, this Court is of the view that, there are no merits in the Writ Petition.

In view of the foregoing, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The Commissioner,
Social Welfare and Nutritious Meal
Programme Department,
Chepauk, Chennai - 600 005.



2. The Collector,
Krishnagiri,
Krishnagiri District.

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W.P.No.19035 of 2010
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GP (CO)
RV (20/11/2020)