



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2020

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.14434 of 2012 and
MP(MD) .No.2 of 2012

WEB COPY

B. Kaleeswari

..Petitioner

vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Commissioner,
Thiruvadanai Panchayat Union,
Thiruvadanai,
Ramanathapuram District.

3.Amutha

..Respondents

PRAYER:- This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order made in Na.Ka.No.W1/21457/2012 dated 09.08.2012 passed by the first respondent and quash the same and consequently direct the respondents 1 and 2 to appoint the petitioner in the post of Noon Meal Organizer at Union Middle School, Mukilthagam, Ramanathapuram District.

For Petitioner	: Mr. D. Sadiq Raja
For 1 st Respondent	: Mr. J. Gunaseelan Muthaiah
For 2 nd respondent	: Mr. D. Venkatesan

ORDER

This Writ Petition has been filed to quash the impugned order made in Na.Ka.No.W1/21457/2012 dated 09.08.2012 passed by the first respondent and consequently direct the respondents 1 and 2 to appoint the petitioner in the post of Noon Meal Organizer at Union Middle School Mukilthagam, Ramanathapuram District.

2. The case of the petitioner is that applications were called for to fill up the post of Noon Meal organizer at Panchayat Union Middle School, Mukilthagam, Ramanathapuram District. Since she has fulfilled the required qualification, she applied for the said post and she was called for interview on 04.07.2012 and



informed orally by the respondent that she would be selected and the appointment order would be despatched to her residential address. But, in contrary, the 3rd respondent was appointed for the said post by flouting the Government Order made in G.O.Ms.No.237 Social Welfare and Nutritious Meal Programme Department, dated 18.08.2014.

3. The learned counsel appearing for the petitioner submitted that as per the Government order one of the essential qualifications is that a person who is to be appointed as Anganvadi Worker / Noon Meal Organizer should be a local person in the village or should be residing within one kilometer radius of the Centre. Further, the applicant should reside within three kilometers of the school, but, the 3rd respondent is residing 5 kilometers away from the school and that too, she belonged to Thiruvetriyur Panchayat. In such circumstances, the appointment of the third respondent is in arbitrary manner, and without application of mind and hence, he prays to quash the impugned order passed by the first respondent in Na.Ka.No.W1/21457/2012 dated 09.08.2012 and consequently to direct the respondents 1 and 2 to appoint the petitioner in the post of Noon Meal Organizer at Union Middle School, Mukilthagam, Ramanathapuram District.

4. I have heard the learned counsel appearing on either side.

5. On perusal of the Government order, it is seen that one of the essential qualifications is that a person who is to be appointed as Anganvadi Worker / Noon Meal Organizer should be a local person in the village or should be residing within one kilometer radius of the Centre. As per the version of the petitioner, she informed orally by the respondent that she would be selected and the appointment order would be despatched to her. However, we cannot go into the oral intimation given to the petitioner by the respondent that she would be selected and the appointment order would be despatched to her.

6. The petitioner has not produced any reliable materials to show that the said third respondent is residing in the place mentioned, which is five kilometers away from the said Noon Meal Centre and the educational qualification of the third respondent has not been stated in the Writ Petition. Such being the case, this Court is of the view that after such long distance of period, when no proper evidence produced to show that the selection was erroneous, this Court cannot disturb the third respondent, who has been appointed as Noon Meal Organizer by the first respondent. That apart, no valid reason has been pointed out by the petitioner for selecting the third respondent by the first respondent and



the candidates, suitable candidates were selected on merits by the first respondent.

7. That being the case, this Court is not inclined to interfere with the orders issued by the first and second respondents and the impugned order cannot be set aside. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

trp

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Commissioner,
Thiruvadanai Panchayat Union,
Thiruvadanai,
Ramanathapuram District.

+1 CC to M/s.D.SADIQ RAJA, Advocate (SR-12596[F] dated 19/03/2020)
+1 CC to M/s.SPL.GP (SR-12648[F] dated 20/03/2020)

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KK(23.06.2020) 3P 5C