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WP(MD)No.14307 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.10.2020

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.14307 of 2020

and

W.M.P. (MD) No.11963 of 2020

M.Selvapriya

...Petitioner

Vs

1.The District Collector,
Dindigul District,
Dindigul.

2.PA to the District Collector,
Noon Meal Scheme,
Office of the District Collectorate,
Dindigul District,
Dindigul.

3.The Commissioner,
Attur Panchayat Union,
Sempatti,
Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to promote the petitioner as noon meal organizer in any one of the schools mentioned in the notification issued by the 1st respondent dated 25.09.2020, based on the petitioner's application dated 03.02.2020 and 06.10.2020.

For Petitioner : Mr.Ananth C.Rajesh
For R1 & R2 : Mr.R.Murugaraj
Government Advocate
For R3 : Mr.M.Karuppasamy
Government Advocate

ORDER

The petitioner has filed the present writ petition and brought the inaction on the part of the respondents under the judicial review by invoking Article 226 of the Constitution of India.

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2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, by order dated 31.12.2009, she was appointed as Noon Meal Helper (MGR Noon Meal Scheme) in the Noon Meal Centre, Government Higher Secondary School, Attur, Dindigul District and subsequently, she was promoted to the post of Noon Meal Cook. In the meantime, the 1st respondent has issued the notification dated 25.09.2020, calling for applications from the eligible candidates for the post of Noon Meal Organizer.

4.Now, the grievance of the petitioner is that as per G.O.Ms.No.163, Social Welfare and Noon Meal Scheme Department, dated 18.08.2010, 25% of the vacancies should be filled through promotion and the remaining 75% of the vacancy should be filled through direct recruitment for the post of Noon Meal Organizer. However, without following the said Government Order, the 1st respondent has issued the notification dated 25.09.2020. In this regard, though the petitioner has made representations dated 03.02.2020 and 06.10.2020, so far no action has been taken. Hence, the present writ petition.

5.The learned Government Advocate appearing for the respondents 1 and 2 would submit that the selection process for the post of Noon Meal Organizer has been temporarily suspended due to the COVID-19 pandemic. However, the petitioner's representations dated 03.02.2020 and 06.10.2020 would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6.Heard the learned counsel on either side and perused the materials available on record.

7.The representations given by the petitioner are with regard to the petitioner's entitlement of 25% in promotional quota for the post of Noon Meal Organizer, as per G.O.Ms.No.163, Social Welfare and Noon Meal Scheme Department, dated 18.08.2010. Upon perusal, it appears that the petitioner is entitled for the 25% promotional quota to the post of Noon Meal Organizer. Thus, this Court is inclined to pass the following directions:-

i) the 1st respondent is directed to consider the petitioner's representations dated 03.02.2020 and 06.10.2020 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order;

ii) the respondents are directed not to deprive the petitioner's 25% promotional quota in the cadre of Noon Meal Organizer;

8.With the above directions, the Writ Petition stands disposed



of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Dindigul District,
Dindigul.

2.PA to the District Collector,
Noon Meal Scheme,
Office of the District Collectorate,
Dindigul District,
Dindigul.

3.The Commissioner,
Attur Panchayat Union,
Sempatti, Dindigul District.

+1 CC to M/s.ANANTH C. RAJESH, Advocate (SR-20236[F] dated 15/10/2020)

+1cc to M/s.Special Government Pleader, SR No.20226

W.P. (MD) No.14307 of 2020

14.10.2020

NS (CO)

KK(26.11.2020) 3P 6C