



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD) .No.14541 of 2020

and

W.M.P(MD) .No.12200 of 2020

WEB COPY

Bhuvana

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by the Principal Secretary to Government,
Social Welfare and Nutritious meal Programme Department,
Fort St.George, Chennai.

2.The District Collector,
Pudukkottai District.

3.The Block Development Officer,
Karamabakudi Taluk and Panchayat Union,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned return order passed by the third respondent dated 30.09.2020 and quash the same and further directing the third respondent to receive the petitioner's application dated 29.09.2020 and appoint her as Noon Meal Organizer in Panchayat Union Primary School, Panthuvakottai, by considering her application dated 29.09.2020 and her representation dated 05.10.2020.

For Petitioner : Mr.R.Balakrishnan

For Respondents: Mr.M.Jeyakumar

Additional Government Pleader

O R D E R

This writ petition has been filed challenging the impugned return order passed by the third respondent dated 30.09.2020 and to quash the same and consequently, direct the third respondent to receive petitioner's application, dated 29.09.2020 and appoint her as Noon Meal Organizer in Panchayat Union Primary School, Panthuvakottai, by considering her application dated 29.09.2020 and her representation dated 05.10.2020.

2. According to the petitioner, she belongs to Scheduled Caste Community and in the year 2018, the first respondent called for



applications for filling up the post of Noon Meal Organiser in Pudukottai District. The said post of Noon Meal Organiser was vacant in Panchayat Union Primary School, Panthuvakottai and the same was reserved for Scheduled Caste. The petitioner has applied for the said post and he was called for interview and he also attended the interview. But the selection process was subsequently dropped. Again, during the month of September 2020, the first respondent called for applications for filling up the post of Noon Meal Organiser in Pudukottai District. However, the said post was reserved for Scheduled Tribes. But, there is no candidate available in Scheduled Tribe Community within 3 k.ms. radius from the said School. Hence, the petitioner has applied for the said post on 29.09.2020 and the said application was returned stating that Rule of carry forward is not applicable. In such circumstances, the petitioner has made a representation to the respondents on 05.10.2020, seeking to accept her application and appoint her as Noon Meal Organiser in the Panchayat Union Primary School, Panthuvakottai and the same is not disposed of so far. Hence, the petitioner has come forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that the respondents cannot keep the said post as vacant and hence, someone has to be recruited even at least under the general category. Therefore, the petitioner has applied for the said post on 29.09.2020. But the same was returned stating that Rule of carry forward is not applicable.

4. Mr.M.Jeyakumar, learned Additional Government Pleader appearing for the respondents would submit that the representation of the petitioner dated 05.10.2020, will be considered on merits.

5. Taking note of the above said submissions, this Court directs the third respondent to consider the representation of the petitioner, dated 05.10.2020 and pass 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.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



- 1.The Principal Secretary to Government,
Social Welfare and Nutritious meal Programme Department,
Fort St.George, Chennai.
- 2.The District Collector,
Pudukkottai District.
- 3.The Block Development Officer,
Karamabakudi Taluk and Panchayat Union,
Pudukkottai District.

Copy to:

The Section Officer,
ER Section,
Madurai Bench of Madras High Court,
Madurai.

(To return the Original Application to the petitioner
after substituting with photocopy and getting necessary
endorsement)

+1 CC to M/s.R. BALAKRISHNAN, Advocate (SR-20418[F] dated
16/10/2020)

+1 CC to SGP (SR-20564[F] dated 19/10/2020)

W.P(MD) .No.14541 of 2020

16.10.2020

SJ (CO)

NR (04/11/2020) 3P : 7C