



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.10133 of 2015

Nadar Union Middle School,
Mudaliarpatti,
V.K.Puram-627 425
Ambasamudram Taluk,
Tirunelveli District,
Through its Secretary,
Mr.N.Bhaskar

... Petitioner

-Vs-

1.The District Collector,
Tirunelveli District.

2.The Personal Assistant to Collector of Tirunelveli,
Noon Meal Scheme, Tirunelveli.

3.The Commissioner of Panchayat Union,
Ambasamudram Panchayat Union,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to approve Mrs.Pathirakali as Noon Meal Organizer in the petitioner school namely Nadar Union Middle School, Mudaliarpatti, V.K.Puram-627 425, Ambasamudram Taluk, Tirunelveli District as per representation 03.07.2014 with all benefits from the date of the appointment, 03.07.2014 as per the order passed by this Court in W.P.(MD)No.2401/2007, dated 05.10.2007 and Judgment reported in 2008 (1) MLJ, page 726.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.S.Dhayalan
Government Advocate for R1 & R2

ORDER

The relief sought for in the present writ petition is to direct the respondents to approve Mrs.Pathirakali as Noon Meal Organizer in the petitioner's school, namely, Nadar Union Middle



School, Mudaliarpatti, V.K.Puram-627 425, Ambasamudram Taluk, Tirunelveli District, as per their representation, dated 03.07.2014 with all benefits from the date of appointment.

2.The claim of the writ petitioner is made out based on the orders of this Court passed in W.P.(MD)Nos.2401 and 2478 of 2007. The petitioner states that the school appointed one Mrs.Pathirakali as Noon Meal Organizer. She was appointed in a retirement vacancy and the post is an essential one and the school Management found that the said Mrs.Pathirakali is suitable for the said post. For the post of Noon Meal Organizer, the authorities are failed to follow the Government Orders and in this regard, the petitioner's school submitted representation to the authorities and none of the representations are considered.

3.This Court is of the considered opinion that the appointments are to be strictly made in accordance with the Rules in force and as per the guidelines issued by the Government. In this regard, the respondents are bound to verify the original records and thereafter, take steps to grant approval or reject the same. In the present case, the petitioner has stated that they have followed the procedures and appointed one Mrs.Pathirakali as Noon Meal Organizer.

4.This Court is of the considered opinion that if at all, the school is submitted any such proposal for approval of appointment, then, the respondents are bound to consider the same strictly in accordance with the Government Rules as well as the guidelines issued in this regard. The petitioner is at liberty to approach the respondents by submitting a proposal in this regard and in the event of submitting any such proposal, the competent authorities shall consider the same and pass appropriate orders as expeditiously as possible.

5.With these directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Tirunelveli District.

2.The Personal Assistant to Collector of Tirunelveli,
Noon Meal Scheme, Tirunelveli.

3.The Commissioner of Panchayat Union,
Ambasamudram Panchayat Union,
Tirunelveli District.

+1 CC to Mr.K.K. KANNAN, Advocate (SR-23728[F] dated 02/12/2020)

W.P. (MD) .No.10133 of 2015
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SGS (CO)
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