



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).Nos.9942, 12273 and 13217 of 2014
and
M.P(MD).Nos.1, 1, 2 and 1 of 2014

W.P(MD).No.9942 of 2014

V.Saleith Mariadoss

... Petitioner

-Vs-

1.The District Collector,
Theni District, Theni.

2.The Personal Assistant (Noon Meals)
to the District Collector,
Theni District, Theni.

3.The Commissioner,
Uthamapalayam Panchayat Union,
Uthamapalayam, Theni 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 appoint an Organizer, Nutritious Meal Scheme in Mariammal Elementary School, in T.Boomianaickenpatti in Theni District from the 5 persons, only recommended by the petitioner for the same post within a time frame fixed by this Court.

For Petitioner : Mr.F.X.Eugene

For Respondents : Mr.D.Muruganandham

Additional Government Pleader

W.P(MD).No.12273 of 2014

N.A.Sudarsan

... Petitioner

-Vs-

1.P.A to the District Collector,
(Nutritious Meals Scheme),
Theni District,
O/o.The Collectorate, Theni.



2.The Commissioner,
Uthamapalayam Panchayat Union,
Uthamapalayam, Theni District.

3.R.Valarmathi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to Na.Ka.No.14176/2012/OO.Va.12 dated 17.07.2014 passed by the first respondent and quash the same as void and illegal and thereby directing the respondents 1 and 2 to appoint anybody else in the assistant post nutritious meal centre in the petitioner school only from the recommended 5 persons by the petitioner.

For Petitioner	: Mr.F.X.Eugene
For Respondents	: Mr.D.Muruganandham
	Additional Government Pleader
	for R1 & R2
	No appearance
	for R3

W.P(MD).No.13217 of 2014

The Secretary,
Sri Subramania Bharathi Middle School,
Thamminaickanpatti,
Thevaram-Via, Uthamapalayam Taluk,
Theni District.

... Petitioner

-Vs-

1.The Government of Tamil Nadu,
rep., by its Principal Secretary,
Social Welfare and Nutritious Meal
Scheme Department,
St.George Fort, Chennai.

2.The District Collector,
Theni District, Theni.

3.P.A to District Collector,
(Nutritious Meals Scheme)
Theni District,
O/o.The District Collector, Theni

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to appoint an Organizer, Cook and Assistant, Nutritious Meal Scheme in Sri Subramania Bharathi Middle School in Thamminaickanpatti in Uthamapalayam Taluk in Theni District from the 5 persons, only recommended by the petitioner for the same posts within a time frame



For Petitioner : Mr.F.X.Eugene
For Respondents : Mr.D.Muruganandham
Additional Government Pleader

COMMON ORDER

The relief sought for in these present writ petitions is to direct the respondents to appoint Noon Meal Organizers under Nutritious Meal Scheme in the respective Schools.

2.The grievances of the writ petitioners are that the Noon Meal Organizer posts in the respective Schools are not filled up. Therefore, the Schools are unable to implement the Noon Meal Scheme effectively. The learned counsel appearing on behalf of the petitioners made a submission that, the respondents are taking steps to fill up the post and there is an apprehension that the authorities may not follow the procedure.

3.The learned Additional Government Pleader appearing on behalf of the official respondents made a submission that, the posts will be filled up by following the procedure contemplated as per the Government Order and Rules in force.

4.This Court is of the considered opinion that, all appointments are to be made strictly in accordance with the Rules and by providing equal opportunity for all the eligible candidates, who are all aspiring to secure public employment by participating in the process of selection. The Rule of reservation is to be followed. Thus, while undertaking the process of selection, the authorities competent must act in a fair manner and complete the proceedings by following the procedures contemplated under the Rules. This being the principles to be followed, the respondents are directed to follow the Rules, while undertaking the process of selection, after taking an administrative decision to fill up the posts.

5.With these observations, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

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/ /2020

Sub Assistant Registrar(CS)

rmk

<https://hcservices.ecourts.gov.in/hcservices/>



To

- 1.The District Collector,
Theni District, Theni.
- 2.The Personal Assistant (Noon Meals)
to the District Collector,
Theni District, Theni.
- 3.The Commissioner,
Uthamapalayam Panchayat Union,
Uthamapalayam, Theni District.
- 4.The Principal Secretary,
Government of Tamil Nadu,
Social Welfare and Nutritious Meal
Scheme Department,
St.George Fort, Chennai.

W.P. (MD) .Nos.9942, 12273 and 13217 of 2014
04.11.2020

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