



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

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THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 26327 of 2009
and M.P.No. 2 of 2009

Dhanalakshmi

..Petitioner

Vs

1.The District Collector,
Villupuram District,
Villupuram.

2.The Commissioner,
Ulundurpet Panchayat Union,
Ulundurpet, Villupuram District.

3.R.Malathi

..Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India for writ of certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No.Sae.Mu.Na.Ka.Pa.E4/9142/2008 dated 22.9.2009 and quash the same and pass such further or other orders.

For Petitioner : Mr. C.Prakasam

For Respondents : Mr.T.Arun Kumar, AGP -R1

For RR2 & 3 : No Appearance

O R D E R

The relief sought for in the writ petition is to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No.Sae.Mu.Na.Ka.Pa.E4/9142/2008 dated 22.9.2009, and quash the same and pass such further or other orders.

2. Heard both sides and perused the materials available on record.



3. The learned counsel for the petitioner submitted that the 1st respondent called for the candidates for appointing 104 Noon Meal Organiser and 144 Noon Meal Assistant Cook in all over the District of Villupuram in the existing vacancy. Subsequently, the 1st respondent/District Collector issued proceedings to the committee constituted for the said purpose, giving instructions to give preference for the widow and destitute woman and resident of the same village, in which village, the Noon Meal Centre is situated. According to the learned counsel for the petitioner, the petitioner is fully eligible to be appointed in the said post as she is residing within 3 kms of Parinthal Village, in which the Noon Meal Centre is situated. But the 2nd respondent without following the instructions issued by the 1st respondent, had appointed the 3rd respondent as Noon Meal Organiser vide impugned order dated 22.09.2009, who is resident of A.Kottai Village, which is 3 km away from the Noon Meal Centre. According to the learned counsel for the petitioner, the 1st respondent himself violated his own orders and passed impugned proceedings, appointing the 3rd respondent as Noon Meal Organiser in the Parinthal Village. Hence the aforesaid order is liable to be set aside.

4. The learned Additional Government Pleader, on the other hand, in support of the counter affidavit filed by the 2nd respondent, has submitted that out of the 13 candidates, 10 candidates were attended the interview held on 24.02.2009 and R.Malathi/3rd respondent herein who was one among the said 10 candidates was selected to the post of Noon Meal Organiser in for the Parinthal Village. It is further stated in the counter affidavit that the 3rd respondent suffers lot of difficulties to run her family, and she is living within 3 kms from the place of work and she can manage to maintain the accounts and registers in respect of the Noon Meal Centre. Therefore, the 2nd respondent proposed the name of the respondent for the said post and the same was approved by the 1st respondent. According to the learned Addi tonal Government Pleader, there is no violation in selection process as contended by the learned counsel for the petitioner and the writ petition is liable to be dismissed.

5. The main ground raised by the learned counsel for the petitioner is that the 3rd respondent is not a resident of the village where the Noon Meal Centre is situated, therefore, the respondents violated the selection procedures.

6. It is clearly stated in the counter affidavit that the 3rd respondent possessed higher study than the petitioner and suffers difficulties to run her family and she is living within 3 Kms from the Noon Meal Centre. It is also stated that the 3rd respondent has experience in maintaining the accounts and registers in respect of the Noon Meal Center.



7. Considering the statement made in the counter affidavit and in the absence of any documents to prove the contention of the petitioner that the 3rd respondent is residing beyond 3 kms from the place of work, this Court finds no reason to interfere with the impugned order passed by the 1st respondent and finds no merits in the writ petition.

8. Accordingly, the writ petition stands dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Villupuram District,
Villupuram.

2.The Commissioner,
Ulundurpet Panchayat Union,
Ulundurpet, Villupuram District.

+lcc to Mr.C.Prakasam, Advocate SR. No. 63375

+lcc to Government Pleader SR. No. 63798

W.P.No. 26327 of 2009
and M.P.No. 2 of 2009

PVS (CO)

PR (12/05/2022)