

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.23594 of 2014

M.Muniasamy

... Petitioner

Vs

1.The State of Tamil Nadu,
represented by its Secretary to Govt.,
Social Welfare & Nutritious Meals Scheme Development
Secretariat, Fort St.George, Chennai 600 009.

2. The Director of Social Welfare,
Chepauk,
Chennai - 600 005.

3. The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to appoint the petitioner on compassionate grounds to the post of Noon Meals Cook under Nutrition Meals Scheme or any other post based on his qualification in furtherance to the proposal forwarded by the 3rd respondent in Na.Ka.No.W1/79462/2009 dated 16.08.2011 and by considering representation submitted by the petitioner dated 26.06.2014.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.A.N.Thambidurai

Special Government Pleader

ORDER

Heard both sides and perused the records.

2. The prayer made in this writ petition is to direct the respondents to consider the representation submitted by the petitioner dated 26.06.2014 and appoint him on compassionate grounds to the post of Cook under Nutritious Meals Scheme or any other post based on his qualification in furtherance to the

proposal forwarded by the 3rd respondent in Na.Ka.No.W1/79462/2009 dated 16.08.2011.

3. Upon notice, the third respondent filed a detailed counter affidavit wherein it is stated that as per G.O.Ms.No.163, Social Welfare & Noon Meal Department, dated 18.08.2010, the posts under Nutritions Noon Meals Programme should be filled only with female candidates and not male candidates; and the petitioner being a male, it is not possible for the District Collector to appoint him on Compassionate grounds. However it is stated in the said counter affidavit that the application of the petitioner was forwarded to the Director of Social Welfare for concurrence and the same was returned for rectifying some defects on 16.09.2011; thereafter, the defects were rectified and the application was resent by the Commissioner of Panchayat Union, Ramanathapuram on 12.02.2014, which is pending; and hence, the claim of the petitioner can be considered only after getting concurrence from the Director of Social Welfare, Chennai.

4. In the light of the specific averments as stated above, this Court deems it fit and appropriate to direct the Director of Social Welfare, Chennai/second respondent to consider the application of the petitioner, if not already considered and pass appropriate orders, on merits, within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stand disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

msv

To

1.The Secretary to Govt.,
The State of Tamil Nadu,
Social Welfare & Nutritious Meals Scheme Development
Secretariat, Fort St.George, Chennai 600 009.

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2. The Director of Social Welfare,
Chepauk,
Chennai - 600 005.

3. The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1 cc to Mr.G.Sankaran, Advocate Sr.No. 1090
+1 cc to The Government Pleader Sr.No. 1245

W.P.No.23594 of 2014

MG (CO)
RMP (24/03/2021)



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