



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.23120 OF 2021

AND

W.M.P.NOS.24377 AND 24378 OF 2021

(Through Video Conferencing)

1. Pachammal

2. Kavitha

3. Saritha

4. Santha

5. Valliammal

... Petitioners

.Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Social Welfare and Noon Meal Department,
Secretariat, Chennai - 9.

2. The District Collector,
Krishnagiri District.

3. The Block Development Officer,
Mathur Panchayat Union,
Krishnagiri District.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 10.02.2021 in Letter No.10320/SW4-2/2020-4 on the file of the first respondent and quash the same consequently direct the first respondent to implement the recommendation of the second respondent dated 07.01.2021 and to give appointment to the petitioners as Noon Meal Organizers or any other Government Employment based on their qualifications.



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For Petitioners : Mr.C.Mahendran

For Respondents

For R1 & R2 : Mr.L.S.M.Hasan Fizal
Government Advocate

For R3 : Mr.V.Nanmaran
Government Advocate

ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the first and second respondents and Mr.V.Nanmaran, learned Government Advocate takes notice on behalf of the third respondent.

2. This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 10.02.2021 in Letter No.10320/SW4-2/2020-4 on the file of the first Respondent, quash the same and consequently direct the first respondent to implement the recommendation of the second respondent dated 07.01.2021 and to give appointment to the petitioners as Noon Meal Organizers or any other Government Employment based on their qualifications.

3. The petitioners have put in more than seven years of service as Noon Meal Organizers with the second and third respondents. However, their services have not been regularized.

4. The petitioners had earlier filed writ petitions before this Court in W.P.Nos.21397, 21398, 21400, 21401 and 21402 of 2018 which were dismissed by a Learned Single Judge of this Court by a common order dated 10.04.2019.

5. Under these circumstances, the petitioners preferred appeal before the Hon'ble Division Bench of this Court in W.A.Nos.2850, 2851, 2854, 2856 & 2858 of 2019. By a common order dated 27.08.2020, the above writ appeals were disposed with the following observations:-

"16. We are of the view, the appellants cannot seek preferential right in the regular recruitment process merely because they have worked on an earlier occasion on temporary basis



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as Co-ordinators under the "Growing Education Scheme" (Valar Kalvi Thittam). At the same time, the appellants appear to have put in service for a period over 7 years. Therefore, the period served by the appellants under the aforesaid scheme can be considered favourably in their favour by relaxing the age limit prescribed under G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme (NMP-2) dated 18.08.2010. The State Government of Tamil Nadu may therefore examine the same and issue suitable amendment to the said G.O as the appellants can hardly be blamed for the delay in initiation of the recruitments process.

17. The respondent may therefore consider the appellants for appointment as Noon-Meal Organizers as and when such a G.O is issued amending the parent G.O considering the fact that the appellants have worked as co-ordinators on temporary basis since 2003 up to 2010.

18. These Writ Appeals are therefore dismissed with the above observations. No cost. Consequently, connected Miscellaneous Petitions are closed."

6. Pursuant to the aforesaid order, the first respondent has now passed the impugned order bearing reference in Letter No.10320/SW4-2/2020-4 vide order dated 10.02.2020, wherein, the first respondent has informed the petitioners that the request of the petitioners cannot be considered as it is not possible to amend the age criteria stipulated in G.O.Ms.No.163, Social Welfare and Nutritious Meal Scheme (NMS2) Department dated 18.08.2010 insofar as the petitioners are concerned.

7. It is noticed that the petitioners were put more than seven years of service with the second and third respondents and since the second respondent has also recommended the regularization of their services vide impugned communication/order dated 10.02.2021, there shall be a positive direction to the respondents to absorb the petitioners into service by regularizing their services within a period of ***Two months** from the date of receipt of a copy of this order. The Government represented by the first respondent shall ensure appropriate Government Orders are issued for relaxing the age criteria for absorbing the petitioners as regular employees of the Government.

8. This writ petition stands disposed of with the above



observations. No costs. Consequently, connected Writ
Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar(CS VI)
Dated: 25/11/2021

**(*)Corrected as per the Order
of this Court Dated: 02/02/2022
made in WP.NO.23120/2021**

Sd/-
Assistant Registrar(CS VI)
Dated: 17/02/2022

//True Copy//

Sub Assistant Registrar

rgm/arb

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Social Welfare and Noon Meal Department,
Secretariat, Chennai - 9.
- 2.The District Collector,
Krishnagiri District.
- 3.The Block Development Officer,
Mathur Panchayat Union,
Krishnagiri District.

**To be Substituted to
the Order already
Despatched on
03/01/2022**

+lcc to Mr.C.Mahendran, Advocate, S.R.No.55724
+lcc to the Government Pleader, S.R.No.56609

W.P.NO.23120 OF 2021 AND
W.M.P.NOS.24377 & 24378 OF 2021

GPL(CO)
PBS/02/12/2021
SB(18/02/2022)