



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **01.12.2021**

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.4915 of 2020

WMP (MD) No.4278 of 2020

WEB COPY

Kasthurba Gandhi Gurugulam Aided Middle School,
rep. by its Secretary,
Thuhali-609 804, Thirupananthal Union,
Tanjore District.

... Petitioner

Vs.

1.The District Collector,
Thanjavoor, Tanjore District.

2.The Block Development Officer,
Thirupananthal Panchayat Union,
Thirupananthal, Tanjore District.

3.M.Muthulakshmi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in Na.Ka.No.1997/2018 SA U.Di.1 dated 11.02.2020 and the consequential order of the second respondent herein in Na.Ka.No.5079/2018/A4 dated 12.02.2020 and quash the same and direct the first respondent to call for the candidate list from the petitioner's school Management for the post of Noon Meal Organizer in the petitioner's school.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.Veera Kathiravan AAG

assisted by Mr.V.Nirmal Kumar,
Government Advocate for RR1 & 2

ORDER

Heard Mr.T.Pon Ramkumar, learned counsel appearing for the petitioner and Mr.Veera Kathiravan learned Additional Advocate General assisted by Mr.V.Nirmal Kumar, learned Government Advocate appearing for the respondents 1 & 2.

2.This Writ Petition has been filed by the petitioner school as against the order of deployment of the third respondent, who is working as Noon Meal Assistant/Cook, from Thiruppananthal to Kasthurba Gandhi Gurugulam Aided Middle School, Thuhali on the



ground that the deputation has been made without consulting the Management.

3.The learned counsel for the petitioner would submit that as per G.O.Ms.4, Social Welfare and Nutritious Meal (Sa.U.Di.2) Department dated 06.01.2011, the appointment of any Noon Meal Organizer shall be made only in consultation with the administration. However, in this case, without consulting the petitioner Management, the appointment has been made.

4.The learned Additional Advocate General would submit that the consultation clause as mentioned in G.O.Ms.4, Social Welfare and Nutritious Meal (Sa.U.Di.2) Department dated 06.01.2011 for the appointment of Noon Meal Organizer pertains only to minority institutions. The petitioner school is not a minority institution and as such, they cannot seek advantage of the said clause. Further, it is only a deployment and not an appointment. In fact, the petitioner school being a non-minority institution is not having right in the appointment of any Noon Meal Organizer, when the entire funds are being sponsored by the Government.

5.The petitioner school, by relying upon the Government Order in G.O.Ms.4, Social Welfare and Nutritious Meal (Sa.U.Di.2) Department dated 06.01.2011, is claiming that without consulting them, the third respondent has been deputed. This Court has perused the said Government Order, which speaks about the procedure to be followed while making appointments to the post of Noon Meal Organizers, Cooks etc. The Government Order reads that in respect of minority institutions, while making such appointments, the Secretary/Headmaster, i.e., the management, has to be consulted. No such clause has been provided in respect of non-minority institutions. Admittedly, the petitioner school is not a minority institution, as such, they cannot claim that they have to be consulted, before making any appointment of Noon Meal Organizer. In this case, the third respondent is pushed on deployment.

6. In view of the above, this Court is not inclined to entertain the Writ Petition, accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The District Collector,
Thanjavoor, Tanjore District.

2.The Block Development Officer,
Thirupananthal Panchayat Union,
Thirupananthal, Tanjore District.

+1 CC to M/s.T.PON RAMKUMAR, Advocate (SR-36857[F] dated
01/12/2021)

+1 CC to M/s.SPL GP (SR-37293[F] dated 03/12/2021)

W.P (MD) No.4915 of 2020
01.12.2021

SJ(CO)
SB(30.12.2021) 3P 5C