



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2021

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) Nos.13148 & 20241 of 2021

and

W.M.P(MD)Nos.11772 & 10158 of 2021

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W.P(MD) No.13148 of 2021:-

K.Chitra

Petitioner

Vs.

1.The District Collector,
Trichy.

2.The Personal Assistant to Collector (NMP),
Trichy District.

3.The Block Development Officer,
Marungapuri Panchayat Union,
Trichy District.

Respondents

W.P(MD) No.20241 of 2021:-

Dhanalakshmi

Petitioner

Vs.

1.The Principal Secretary to the Government,
(Nutritious Meal Programme),
Integrated Child Development and Welfare Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Trichy District,
Trichy.

3.The Personal Assistant to Collector (NMP),
Trichy District.

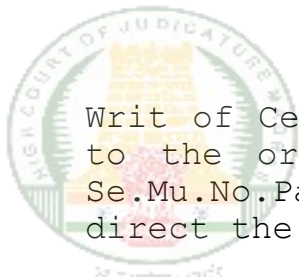
4.The Block Development Officer,
Marugapuri Panchayat Union,
Marugapuri,
Trichy District.

5.Chitra

Respondents

PRAYER in W.P(MD) No.13148 of 2021: Writ Petition is filed under
Article 226 of the Constitution of India, praying for issuance of a

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Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the first respondent in his proceedings Se.Mu.No.Pa7/403/2016, dated 19.07.2021 and quash the same and direct the respondents to confer all the consequential benefits.

PRAYER in W.P(MD) No.20241 of 2021: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, call for records pertaining to the impugned order of the third respondent vide his proceedings in Na.Ka.No.P7/403/2016, dated 10.03.2021, and quash the same as illegal and consequently direct the respondents to appoint the petitioner to the post of noon meal organizer after taking legal action against the respondents 2 to 5 by the first respondent for their continuous illegalities followed in the appointments.

For Petitioner :Mr.V.Panneer Selvam
For Respondent :Mr.V.Nirmal Kumar
(in W.P(MD) No.13148 of 2021)

For Petitioner :Mr.T.Vadivelan
For Respondent :Mr.V.Nirmal Kumar
(in W.P(MD) No.20241 of 2021)

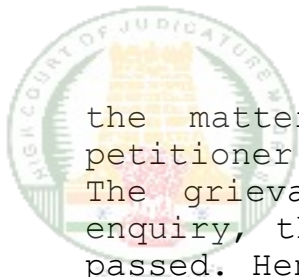
C O M M O N O R D E R

Writ petition in WP(MD) No.13148 of 2021 is filed as against the order of cancellation of appointment in Se.Mu.No.Pa7/406/2016, dated 19.07.2021, passed by the first respondent.

2. Writ Petition in W.P(MD) No.20241 of 2021 is filed as against the proceedings of the first respondent in Na.Ka.No.P7/403/2016, dated 10.03.2021.

3.Both the writ petitions are pertaining to appointment of 'Noon Meal Organiser' at Panchayat Union Elementary School at T.Goundanpatti and therefore, this Court is taking up both the writ petitions together and dispose of the same by way of a common order.

4.The case of the petitioner in WP(MD) No.13148 of 2021 is that she was appointed as 'Noon Meal Organizer' in Panchayat Union School, T.Goundanpatti, by an order dated 09.02.2016, after following due process of selection and she has also joined duty on 29.02.2016. Within seven days, the order of appointment has been cancelled by order dated 07.03.2016 and the same has been challenged in W.P(MD) No.4879 of 2016 before this Court. This Court, while entertaining that Writ Petition, granted an interim order. Pursuant to the interim order, she also continued to serve as 'Noon meal Organizer' in the aforesaid School for some time. The Writ Petition was also allowed by setting aside the impugned order and remitting



the matter back to the authorities concerned to provide the petitioner an opportunity of hearing and to pass an order afresh. The grievance of the petitioner is that without conducting any enquiry, the impugned order of cancellation of appointment has been passed. Hence, this petition.

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5.The case of the petitioner in W.P(MD) No.20241 of 2021 is that, she is the daughter of ex-service man and the post of 'Noon Meal Organizer' at T.Goundanpatti is reserved for BC(Priority) Category. As a daughter of ex-serviceman, the petitioner in W.P(MD) No.20241 of 2021 is eligible for the post on priority category. Without accommodating this petitioner in the said post, the petitioner in W.P(MD) No.13148 of 2021 has been wrongly appointed and therefore, the petitioner in W.P(MD) No.20241 of 2021 has made a request to the concerned authorities. While so, the order of appointment issued to the petitioner in W.P(MD) No.13148 of 2021 has been cancelled by order dated 07.03.2016 and the same has been challenged by her in W.P(MD) No.4879 of 2016 before this Court and she had obtained an interim stay, based on which, she also continued to serve as 'Noon meal Organizer' in the aforesaid School for some time. The said writ petition was closed with a direction to the respondent to provide one opportunity to Chitra, to produce Priority Certificate. Even after providing sufficient time, she has not produced the Priority Certificate. Therefore, she is not entitled for the post of 'Noon Meal Organizer', which is reserved for Priority category. In the meantime, the petitioner in W.P(MD) No.20241 of 2021 has filed a writ petition in W.P(MD) No.19418 of 2020 before this Court and on 23.12.2020, a direction was issued to the authorities concerned to consider the petitioner's representation and pass appropriate orders on merits within eight weeks from the date of receipt of a copy of that order. Subsequent to which, on 10.03.2021, a proceedings has been issued in Na.Ka.No.P7/403/2016, dated 10.03.2021, cancelling the wrong appointment made to Chitra and that when filling up of the vacancies for the post of Noon Meal Organizer, by direct recruitment in future, if the petitioner applies, she will be given priority, based on communal rotation and other requisite qualifications. The said order is under challenge in this writ petition.

6.For the sake of convenience, the petitioners are referred by their names hereinafter in this common order.

7.The learned Government Advocate appearing for the respondents submits that Chitra has been wrongly appointed even though she does not come under the category of Priority and the mistake committed by the authorities has been rectified by cancelling the order of appointment, within short span of time. He further submits that the post of 'Noon Meal Organizer' is fixed only as BC/Priority category and therefore, the persons who are classified in the Priority category by the Department alone are

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authorities concerned has been rectified by way of the impugned order in Se.Mu.No.Pa7/406/2016, dated 19.07.2021.

8.Mr.V.Panneer Selvam, learned counsel appearing for Chitra submits that T.Govundanpatti is not classified as priority and there is no such provisions to that effect and only to accommodate other persons, they are taking a stand that the post is made for BC/Priority Category.

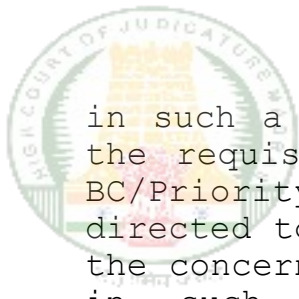
9.On the other hand, the learned counsel appearing for Dhanalakshmi has drawn the attention of this Court that the information, which has been provided by the concerned authorities that the post of 'Noon Meal Organizer' at T.Govundanpatti is classified only as BC/Priority Category.

10. This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.

11.From the informations, which have been provided and from the counter affidavit filed by the respondent, it could be seen that the post of 'Noon Meal Organizer' at T.Govundanpatti is classified only for BC/Priority Category. However, the candidate Chitra has been accommodated in that post, though she was not having any such Priority Certificate. Even now, she is not in a position to produce the relevant certificate. On the other hand, the candidate Dhanalakshmi, who is the daughter of ex-serviceman and comes under the category of Priority has not been selected and when the issue was raised by her before the respondents, the same was rectified by way of passing the cancellation of appointment order to Chitra. It is further seen that the order of cancellation was challenged by Chitra before this Court and by way of an interim order, she continued to work for some time. Thereafter, the impugned order was set aside and a direction was issued to the concerned authorities to provide opportunity to Chitra to produce Priority Certificate. Even now, Chitra is not in a position to produce Priority Certificate and therefore, Chitra is not entitled to hold the post of 'Noon Meal Organizer', which has been classified as BC/Priority. However, Dhanalakshmi, who is the daughter of ex-serviceman is the eligible candidate for the said post.

12. In view of the foregoing reasons, W.P(MD) No.13148 of 2021 is dismissed and W.P(MD) No.20241 of 2021 is allowed. The impugned order in W.P(MD) No.20241 of 2021, i.e proceedings in Na.Ka.No.P7/403/2016, dated 10.03.2021 is set aside. The respondent is directed to consider the case of the petitioner in W.P(MD) No.20241 of 2021 and appoint her in the post of 'Noon Meal Organizer' at Panchayat Union Elementary School at T.Goundanpatti forthwith.

13.It is seen that all these litigations are only pursuant to the impugned order, which has been passed in favour of Chitra



in such a careless and negligent manner, even without ascertaining the requisite certificates, even though the post is classified as BC/Priority Category. Therefore, the concerned District Collector is directed to initiate appropriate departmental proceedings as against the concerned officers, who are all responsible for passing an order in such a negligent manner, which has culminated several litigations. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CRL)

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Sub Assistant Registrar(CS)

vrn

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 Principal Secretary to the Government,
(Nutritious Meal Programme),
Integrated Child Development and Welfare Department,
Fort St.George, Chennai - 600 009.

2.The District Collector,
Trichy.

3.The Personal Assistant to Collector (NMP),
Trichy District.

4.The Block Development Officer,
Marungapuri Panchayat Union, Trichy District.

+1 CC to M/s.SPL GP (SR-36054[F],SR-36044[F] dated 26/11/2021)

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-36350[F] dated 29/11/2021)

W.P(MD) Nos.13148 & 20241 of 2021
and

W.M.P(MD)Nos.11772 & 10158 of 2021
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