



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.11995 of 2017

and

W.M.P. (MD) .No.9229 of 2017

A.Maheswari

.. Petitioner

Vs

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Personal Assistant to District Collector(PTMGRNMP),
Ramanathapuram.

3.The Commissioner,
Mudukulathur Panchayat Union,
Mudukulathur,
Ramanathapuram District.

4.The Judge Administrator,
TELC,
Administrative Office,
Trichy.

5.The Correspondent,
TELC High School,
Mudukulathur,
Ramanathapuram District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to appoint the petitioner in the post of Noon Meal Organizer laying vacant in the 5th respondent school based on the certificate verification conducted on 08.06.2017 by the 2nd respondent through the 3rd respondent communication dated 26.05.2017 and recommendations of the 4th and 5th respondents dated 24.03.2017, 27.03.2017 and 09.06.2017.



For Petitioner : Mr.B.Prahalad Devi
For Respondents 1 to 3 : Mr.D.Muruganantham
For Respondent No.4 : Karthikeya Balan

O R D E R

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The prayer sought for in the present writ petition is for a direction the second respondent to appoint the petitioner in the post of Noon Meal Organizer laying vacant in the 5th respondent school based on the certificate verification conducted on 08.06.2017 by the 2nd respondent through the 3rd respondent communication dated 26.05.2017 and recommendations of the 4th and 5th respondents dated 24.03.2017, 27.03.2017 and 09.06.2017.

2. The case of the petitioner is that the petitioner belonged to Scheduled Caste community and completed B.A. Degree and Diploma in Teacher's Education course. She was called for certificate verification held on 08.06.2017 in the office of the second respondent for the appointment to the post of Noon Meal Organiser in the fifth respondent school by the third respondent through communication dated 26.05.2017. The petitioner is eligible candidate possessing requisite educational qualification and residing within 1 km from the fifth respondent school and the 4th and 5th respondents have recommended the petitioner's candidature through communication dated 24.03.2017 and 09.06.2017. The petitioner claimed that she is the only candidate for the appointment to the post of fourth respondent in the School and no other candidate was recommended by them, however, without considering the petitioner's candidature, the second respondent decided to fill up the said post is not sustainable one. Hence, this writ petition.

3. The learned counsel for the petitioner would submit that it would be suffice if a direction is issued to the respondents to consider the candidature of the petitioner for the post of Noon Meal Organiser and appoint her in the said post in the fifth respondent school within a reasonable time as fixed by this Court.

4. Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the State issued a Government Order in G.O.Ms.No.4 Social Welfare and Nutritious Meal Programme (SW2) Department, dated 06.01.2011, wherein it is clearly stated that insofar as the appointment of the Noon Meal Organiser, the District Collector is the competent authority and that whenever vacancies arose, the Commissioner of Panchayat Union in the case of rural areas and Commissioner, Corporation/Municipality in the case of Urban should publish the vacancy and calling for suitable candidates and conduct enquiry and short list 5 names among the participants. The Minority school



can select 5 names among the said list and send the same to the appointing authority for issuance of appointment orders. Insofar as the Minority institutions are concerned, the rule of reservation need not be followed. He further submitted that admittedly, on the orders of the first respondent dated 08.03.2017 and as per the direction of the Director of Social Welfare and Noon Meal Programme Department dated 12.01.2017, the vacancy in the 5th respondent school along with other schools were notified in newspapers through the Public Relations Officer and insofar as the petitioner's school is concerned 46 applications from eligible candidates were received and the said list was communicated to the petitioner School with a request to select 5 candidates of their choice vide Collector's reference dated 14.06.2017. Accordingly, a communication was received from the Headmaster, TELC Primary School, Mudukulathur by stating that only one Noon Meal Centre is functioning in the campus wherein both TELC High School and Primary School is located and that they have selected 5 candidates out of the 46 candidates and send proposals and the names are as follows:

SL.No .	Name of the candidate	Age	Educational Qualification
1	K.Vanithamani	30	D.T.Ed.
2	R.Bhuvaneswari	39	B.A.
3	M.Manimegalai	33	Plus 2
4	M.Kanchana Devi	28	Plus 2
5	C.Yasodha	33	Plus 2

He further submitted the Headmaster has also indicated his preference to appoint Tmt.M.Manimegalai and the petitioner's name was not found in the above said list of candidates sent by the Headmaster. Hence, he prays for dismissal of this writ petition.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

6. This Court has considered the submissions made by the learned counsel on either side. On perusal of the above said list, it is clear that the petitioner's name was not recommended by the School authority. Hence, the claim made by the petitioner cannot be considered and the prayer sought for in this writ petition cannot be granted.

7. In the result, this writ petition stands dismissed. No



costs. Consequently, connected miscellaneous petition is closed. However, the petitioner is at liberty to work out her remedy in the manner known to law.

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Assistant Registrar(P&A)

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/ /2021

Sub Assistant Registrar(CS)

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,
Ramanathapuram District,
Ramanathapuram.

2.The Personal Assistant to District Collector(PTMGRNMP),
Ramanathapuram.

3.The Commissioner,
Mudukulathur Panchayat Union,
Mudukulathur,
Ramanathapuram District.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-11490[F] dated 16/03/2021)

+1 CC to M/s.SPL GP (SR-11520[F] dated 16/03/2021)

**W.P. (MD) .No.11995 of 2017
15.03.2021**

KG(CO)
AS(12.05.2021) 4P 6C