



WP No.10238 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

**WP No.10238 of 2011
And
MP Nos.1 and 2 of 2011**

A.Sumathi

..

Petitioner

VS.

1.The District Collector,
Salem
Salem District.

2.The Commissioner,
Pethanayakan Palayam Panchayat Union,
Aathur Taluk,
Salem District.

3.R.Susisthani

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his proceedings Na.Ka.No.925/2009/



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Sa.U.Thi.2 dated 05.05.2010 and Na.Ka.No.491/2010/Sa.U.Thi.2 dated 12.03.2011 and quash the same and consequently direct the first respondent to appoint the petitioner as Noon Meal Organiser either in Soolankurichi GTR School Noon Meal Center, Pethanayakan Palayam Panchayat Union, Aathur Taluk, Salem District or in any vacant place in Salem District.

For Petitioner	: Mr.K.Raja
For Respondent-1	: Mr.V.Arun, Additional Advocate General Assisted by Mr.K.H.Ravikumar, Government Advocate.
For Respondent-2	: Mr.T.Arunkumar
For Respondent-3	: Mr.D.Selva Raju

ORDER

The appointment order issued by the first respondent in proceedings dated 12.03.2011 appointing the third respondent as Noon Meal Organiser, is under challenge in the present writ petition.

2. The petitioner states that she participated in the process of selection for appointment to the post of Noon Meal Organiser. She had submitted all the requisite documents at the time of conducting the



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interview and in violation of the Government guidelines, the third respondent was appointed to the post of Noon Meal Organiser. The petitioner is residing very much near to the Centre and the third respondent, who is residing in a far off place, has been selected and appointed.

3. The learned counsel for the petitioner states that the reason stated in the order impugned for rejection of the petitioner to the post of Noon Meal Organiser is untenable in view of the fact that the petitioner had possessed the higher qualification than that of the qualification of the third respondent. The petitioner is very much residing near to the Centre and she has stated that the distance also in that application. While-so, the selection of the third respondent to the post of Noon Meal Organiser is bad in law and is liable to be set aside.

4. The learned Additional Government Pleader appearing on behalf of the first respondent contended that even in the Interview Call Letter, the first respondent has clearly stated that the documents are to be produced in original at the time of conducting the interview for verification.



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The petitioner has not produced all the requisite documents at the time of conduct of interview and therefore, she was not considered for selection.

5. Pertinently, the petitioner earlier filed WP No.14941 of 2010, which was disposed of by this Court on 16.11.2010 itself. The petitioner made a submission before the Court that she had not challenged the appointment order issued in favour of the third respondent and submitted a representation to consider her case. Thus the petitioner had not challenged the appointment of the third respondent at the earliest point of time.

6. The present writ petition was filed subsequently after issuing direction by this Court to consider the representation. The representation submitted by the petitioner was considered and an order was passed in proceedings dated 12.03.2011 stating that the petitioner had not furnished all the requisite documents at the time of conduct of interview.

7. The process of interview was concluded in the year 2010 and the third respondent was appointed and she is working for the past about 12



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years. In the earlier writ petition filed by the petitioner, she had not challenged the appointment order of the third respondent. Thus this Court is of the opinion that any interference at this length of time, which would cause unnecessary prejudice to the parties concerned.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

Svn

To

1.The District Collector,
Salem
Salem District.

2.The Commissioner,
Pethanayakan Palayam Panchayat Union,
Aathur Taluk,
Salem District.



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S.M.SUBRAMANIAM, J.

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