



WP.No.18132 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 28.10.2022

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P. No.18132 of 2012

D.Jaya bharathi
W/o M.Durai

... Petitioner

Vs.

1.The District Collector
Tiruvarur
Tiruvarur District.

2.S.Sumathi
W/o Idhya Chandran

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records, relating to the proceedings of the 1st respondent dated 14.01.2011 in Na.Ka.No.1674/2009/NMP.1 and quash the same and direct the 1st respondent to appoint the petitioner, for the post of Noon Meal Organizer at Panchayat Union Elementary School, Urgudi, Koradachery, kudavasal (T.K), Tiruvarur District.

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For Petitioner : Mr.M.Thamizhavel

For Respondents : Mrs.S.Anitha
Special Government Pleader for R1
No appearance for R2

ORDER

This Writ Petition has been filed, to call for the records, relating to the proceedings of the 1st respondent dated 14.01.2011 in Na.Ka.No.1674/2009/NMP.1 and quash the same and direct the 1st respondent to appoint the petitioner, for the post of Noon Meal Organizer at Panchayat Union Elementary School, Urgudi, Koradachery, kudavasal (T.K), Tiruvarur District.

2.Aggrieved by non-selection of the petitioner to the post of Noon Meal Organizer, at Panchayat Union Elementary School, Urgudi, the petitioner has filed the above Writ Petition and also challenges the appointment of the 2nd respondent to the said post.



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3. According to the petitioner, the appointment of the 2nd respondent was against the selection criteria like, educational qualifications, distance from working place and community roll for the said post and further the 2nd respondent did not satisfy any of the above. The petitioner, therefore states that the 2nd respondent was not eligible for the said post, but as the petitioner satisfied all the said criteria, she should have been selected in place of the 2nd respondent.

4. The 1st respondent filed counter, stating that interview for the post of Noon Meal Organizer, at Panchayat Union Elementary School, Urgudi, was conducted on 10.02.2010. Both the petitioner as well as the 2nd respondent participated in the interview. According to the 1st respondent, procedure for selection of Noon Meal Organizer was strictly followed and the selection was also made on the basis of verification of certificates of the candidates. For selection of the Noon Meal Organizer post, procedures laid down in G.O.Ms.No.142, Social Welfare and Nutritious Meal Programme (SW7 (1) Department) dated 06.07.2010 were also followed. The 1st respondent further



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submitted that the 2nd respondent satisfied eligibility criteria like, educational qualification, distance from working place and she also fell within the prescribed age limit of 40 years. The 1st respondent submitted that the petitioner was aged 30 years, at the time of selection, whereas, the 2nd respondent was aged 32 years and therefore, preference was given to the 2nd respondent, who was older in age. The 1st respondent submitted that the selection was strictly on the basis of the provisions of the Government orders and there was absolutely no deviation in the selection process.

5.The learned counsel for the petitioner submits that the petitioner has fulfilled all the eligibility criteria and therefore non selection of the petitioner is unjustified. The learned counsel further submitted that the 2nd respondent is not residing within the prescribed distance and that she also does not satisfy the income criteria for the said post and hence, her selection is unsustainable.

6.By way of reply, the learned Special Government Pleader appearing

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for the 1st respondent, referring to the averments made in the counter affidavit submitted that the procedure prescribed in the Government Orders were strictly followed and only after satisfying the eligibility criteria, the 2nd respondent was found to be fully eligible for the post of Noon Meal Organizer and accordingly, she was selected. Even though, the petitioner and the 2nd respondent alone attended the interview, the 2nd respondent was older to the petitioner and therefore, she was selected as per the Government policy.

7. Heard the learned counsel appearing on either side and perused the records. There is no representation on the side of the 2nd respondent.

8. Though the learned counsel for the petitioner made several allegations against the selection of 2nd respondent to the post of Noon Meal Organizer, the said allegations are not supported by any documents and therefore, in the absence of any substantial evidence in support of the allegations, the same cannot be countenanced. It is seen that a report was called for from the



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VAO, as regards the distance criteria and the concerned VAO certified that the Noon Meal Centre is 3 kms from the residence of the 2nd respondent, i.e., within the permissible limits. The Assistant Director, Government Examinations, Thiruvarur, vide his letter dated 19.09.2022 certified that the HSC and SSLC certificates of the 2nd respondent were genuine. Therefore, only after verifying the credentials of the 2nd respondent, she was selected. I find no infirmity in the selection, moreso, when the petitioner has not substantiated the allegations by placing relevant materials.

9.In the light of the above said facts, there is no merit in the writ petition and the same is dismissed. There shall be no order as to costs.

28.10.2022

Index:Yes/No
Internet:Yes/No
Speaking Order: Yes/No
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To

The District Collector
Tiruvarur
Tiruvarur District.

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