



WEB COPY

W.P.No.907 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.907 of 2018
and
W.M.P.No.1091 of 2018

R.Jothi

... Petitioner

Vs.

1.The District Collector,
Dharmapuri District,
Dharmapuri – 636705.

2.The Block Development Officer,
Pappireddipatty Panchayat Union
Pappireddipatty, Dharmapuri District.

3.J.Deepa

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in Pro.Na.Ka. No.1521/2016/X1 dated Nil.11.2017, quash the same and issue consequential directions to 1st respondent herein to appoint the petitioner as Noon Meal Organizer in the Panchayat Union Middle School, Kathiripuram, Pappireddipatty Panchayat Union, Dharmapuri District.



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For Petitioner : Mr.R.Dhanasekar
For R1 : Mr.V.Arun
Additional Advocate General
Assisted by
Mr.S.Ravichandran
Additional Government Pleader
For R2 : Mr.T.Arun Kumar
For R3 : No Appearance

ORDER

The appointment order of the 3rd respondent as Noon Meal Organiser in the Panchayat Union Middle School, Kathiripuram, Pappireddipatty Panchayat Union, Dharmapuri District is under challenge in the present writ petition.

2. The petitioner participated in the process of selection, pursuant to the recruitment notification issued by the respondents 1 and 2.

3. The learned counsel for the petitioner states that the 3rd respondent, who is not residing within the radius of 3kms was selected and the appointment, which is in violation of the Government order issued in



G.O.Ms.No.163 dated 18.08.2010. Thus, the appointment order of the 3rd respondent is to be set aside.

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4. The learned Additional Advocate General appearing on behalf of the 1st respondent made a submission that the petitioner was over aged and She had crossed 40 years and 7 months and therefore, the petitioner is not eligible for appointment and thus, the writ petition filed challenging the selection is untenable. That apart, the 3rd respondent is residing within the radius of 3kms from the Centre and thus, there is no infirmity in respect of the appointment of the 3rd respondent as Noon Meal Organiser.

5. In the absence of establishing any acceptable ground, questioning the validity of selection, the Court would not be in a position to interfere with the process of selection and regarding the assessment of the Selection Committee, the same became final and the power of judicial review under Article 226 of the Constitution of India cannot be extended for the purpose of evaluating the merit assessment made by the Selection Committee, unless such assessment is tainted with the allegations of *mala fides* or corrupt practices.



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6. In the present case, the petitioner could not able to establish any such acceptable grounds for the purpose of interfering with the process of selection and therefore, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

26.10.2022
(1/2)

Jeni

Index : Yes
Speaking order

To

- 1.The District Collector,
Dharmapuri District,
Dharmapuri – 636705.
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Pappireddipatty, Dharmapuri District.



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S.M.SUBRAMANIAM, J.

Jeni

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