



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. No. 8984 of 2018
and
W.M.P. No. 10836 of 2018

M.Indira

... Petitioner

-vs-

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The Block Development Officer
Pennagaram
Pennagaram Taluk
Dharmapuri District.

3. Rajeswari

... Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the First Respondent dated 13.11.2017 made in Na.Ka.No. 1521/2016/X1 to quash the same and consequently, direct the Respondents 1 and 2 to appoint the Petitioner as Noon Meal Organizer at Panchayat Union Elementary School, Koduppatti, Pennagaram Panchayat Union, Dharmapuri District forthwith.

For Petitioner : Mr. C.Prabakaran

For Respondents : Mr. V.Arun
Additional Advocate General assisted by
Mrs. C.Sangamithirai
Special Government Pleader (For R1)
Mr. D.Gopal
Government Advocate (For R2)

R3-No appearance



O R D E R

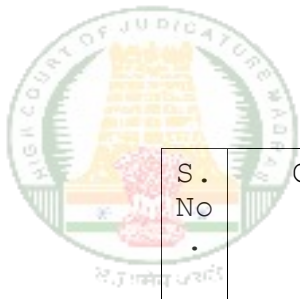
Heard Mr. C.Prabakaran, Learned Counsel for the Petitioner and Mr. V.Arun, Learned Additional Advocate General, assisted by Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First Respondent and Mr. D.Gopal, Learned Government Advocate appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Though notice had been served on the Third Respondent, she has not entered appearance till date.

3. The Petitioner and the Third Respondent had applied for the post of Noon Meal Organizer in the Panchayat Union Middle School, Kodupatti Village, Pennagaram Panchayat Union, Dharmapuri District and the Third Respondent had been selected for the said post, which has been challenged in this Writ Petition.

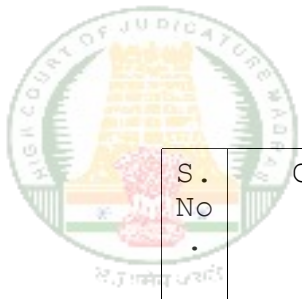
4. The contention raised in the Writ Petition is that the Petitioner is residing 2 kms away from the Noon Meal Centre, but the Third Respondent, who is residing 1 km away from there, has been selected to that post. It has been highlighted that in terms of G.O. Ms. No. 163, Social Welfare and Nutritious Meal Program Department dated 18.08.2010 issued by the Government of Tamil Nadu, the selected candidate has to reside within 3 kms from the Noon Meal Centre in which the selection is made.

5. This Court during the earlier hearing on 23.03.2022 had directed the First Respondent to verify the distance of the Noon Meal Centre from the residences of the Petitioner and the Third Respondent at the time of making the application for the said post after issuing notices to the concerned parties and file a report in that regard and produce the entire records relating to comparative assessment of the Petitioner and the Third Respondent for suitability for appointment in this case. In furtherance to the said order, the Second Respondent had filed additional Counter-Affidavit dated 22.04.2022 stating that the distance of the residences of the Petitioner and the Third Respondent from the Noon Meal Centre is 1.8 kms and 2.15 kms respectively and this would mean that though 3 marks awarded to the Petitioner would remain under that on verifying the distance from the Noon Meal Centre in respect of all the competing candidates, the re-assessed marks for the various candidates is as follows:-



WEB COPY

S. No.	Category	M.Indira / Petitioner	Rajeswari / Third Respondent	Gayathri (S. No. 4)	C.Mangammal (S. No. 10)	Mayilveeni (S. No. 21)
1.	Educational Qualification - SSLC - Pass/Fail and above (Mark-5)	5	5	5	5	5
2.	Priority /Non-Priority (Mark-10) 2 Children - 10 1 Child - 5 No Child - 8	10	10	10	10	10
3.	Distance between Noon Meal Center and Resident of the Applicants (Marks - 5) 1 KM - 5 2 KM - 3 3 KM - 2	3 1.8 km	2 (Old Mark 5) 2.1 km	3 (Old Mark 5) 1.35 km	2 (Old Mark 3) 2.8 km	5 110 mtr
4.	Age Qualification (Marks - 5) Till 40 - 5 30 to 38 - 3 21 to 29 - 2	5	3 (Old Mark 2)	3	3	3
5.	Family Background (Marks - 5) No Heirs - 5 Earning Female Heir - 3 Earning Male Heir-2	3 (Old Mark 5)	5	5	5	5
6.	Physical Fitness (Marks - 10)	10	10	10	10	10



WEB COPY

S. No.	Category	M.Indira / Petitioner	Rajeswari / Third Respondent	Gayathri (S. No. 4)	C.Mangammal (S. No. 10)	Mayilveni (S. No. 21)
7.	Nutrition Knowledge	4	6	4	6	4
Total Marks - 50		40 (Old Mark 42)	41 (Old Mark 43)	40 (Old Mark 42)	41 (Old Mark 42)	42 (Old Mark 42)

It is evident from the said comparative statement that neither the Petitioner nor the Third Respondent who had secured 40 and 42 marks respectively could have been appointed as another candidates viz., Ms. Mayilveni, who had secured the highest 42 marks. Since it is clear that appointment of the Third Respondent is wrongful as she has not secured the highest mark, her appointment is quashed. The concerned authorities shall decide the further course of action to fill up the post either with the re-assessed marks or by way of fresh recruitment in accordance with law. In order to avert any disruption of the functioning of the Noon Meal Centre, it shall be incumbent upon the concerned authorities to make necessary arrangements in that regard and they are not precluded from continuing the services of the Third Respondent till the regularly appointed candidate joins duty in the said post.

6. Though the Petitioner was required in the order dated 23.03.2022 to produce the fixed deposit receipt for Rs. 5,000/- in the name of the Registrar General of this Court to show her bonafides, Learned Counsel for the Petitioner informs that the Petitioner has instead taken a demand draft for that amount. However, as the selection of the Third Respondent has been set aside, it is not necessary for the Petitioner to comply with the said requirement taking into account the aforesaid order passed in the case.

The Writ Petition is ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Maya



To

1. The District Collector
Dharmapuri District
Dharmapuri.

2. The Block Development Officer
Pennagaram
Pennagaram Taluk
Dharmapuri District.

COPY TO

1. The Registrar - General
High Court, Madras-104.
2. Sub Assistant Registrar, Account Section,
High Court, Madras-104.

+1cc to Mr. C.Prabakaran, Advocate, S.R.No.30497
+1cc to Mr. D.Gopal , Advocate, S.R.No.29862
+1cc to the Government Pleader, S.R.No.30976

W.P. No. 8984 of 2018

RR(CO)
CT 12/05/2022