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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.NO.16218 OF 2020
AND WMP.NO.20259 OF 2020

- 1.M.Badmavathi
- 2.Selvi
- 3.Jayamalini
- 4.Selvarani
- 5.S.Subbulakshmi
- 6.M.Kasthuri
- 7.Deepa
- 8.J.Manimekalai
- 9.Dhanalakshmi
- 10.Thenaruvi
- 11.C.Selvarani
- 12.Elizapathrani
- 13.R.Badmavathi
- 14.Anjammal
- 15.Viji
- 16.S.Gnanavalli
- 17.D.Ammu
- 18.Vijaya

.. Petitioners

vs.

1. The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Social Welfare and Nutritious Noon-Meal Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The District Collector,
Cuddalore District, Cuddalore.
3. The Commissioner,
Social Welfare Department,
Panagal Building, 2nd Floor,
Saidapet, Chennai-600 015.
4. The Block Development Officer,
Kammapuram Panchayat Union,
Virudhachalam Taluk, Cuddalore District.



5. The Block Development Officer,
Srimushnam Panchayat Union,
Srimushnam Taluk,
Cuddalore District.

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.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to fill up the post of Cook in Kammapuram Panchayat Union and Srimushnam Panchayat Union, Cuddalore District by promotion from eligible candidates in the post of Cook Assistant as per G.O.Ms.No.125, Social Welfare and Nutritious Meal Programme Department dated 04.09.2008 and G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department dated 08.08.2010 in respect of Kammapuram Panchayat Union and Srimushnam Panchayat Union, Cuddalore District and consequently directing the respondents to fill up the post of Cook only after promotion of the eligible person in the post of Cook Assistant.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.S.Rajesh,
Government Advocate for R1 to R4

Mr.G.B.Rajesh for R5

O R D E R

The prayer in the writ petition is for a Mandamus directing the respondents to fill up the post of Cook in Kammapuram Panchayat Union and Srimushnam Panchayat Union, Cuddalore District by promotion from eligible candidates in the post of Cook Assistant as per G.O.Ms.No.125, Social Welfare and Nutritious Meal Programme Department dated 04.09.2008 and G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department dated 08.08.2010 in respect of Kammapuram Panchayat Union and Srimushnam Panchayat Union, Cuddalore District and consequently directing the respondents to fill up the post of Cook only after promotion of the eligible person in the post of Cook Assistant.

2. The petitioners were initially appointed as Cook Assistant in Kammapuram Panchayat Union and Srimushnam Panchayat Union, Cuddalore District in the years 2007, 2011 and 2012 and their services were regularized and they are entitled for



promotion to the post of Cook on completion of 5 years of service, as per G.O.Ms.No.125, Social Welfare & Nutritious Noon Meal Programme Department dated 04.09.2008. The direct recruitment of Cook can be made only after promotion of eligible persons in the post of Cook Assistants as per G.O.Ms.No.163, Social Welfare and Nutritious Noon-Meal Programme Department dated 18.08.2010. Being aggrieved by the proposed action of the respondents in resorting to direct recruitment to fill up 20 posts of Cook in Kammapuram Panchayat Union and 5 posts in Srimushnam Panchayat Union, Cuddalore District without giving promotion to eligible persons including the petitioners working for long time in the post of Cook Assistants in violation of Government Orders, the petitioners have filed the present writ petition.

3. Counter affidavit has been filed by the fourth respondent, wherein it has been stated in para 6 that as far as Kammapuram Panchayat Union is concerned, 29 Cook posts were vacant and hence, only 29 Cook Assistants, who satisfied the above criteria, could be considered for promotion as Cook. However, the sanctioned strength of Cook Assistant post in Kammapuram Panchayat Union is 92 and among 92 posts, 29 Cook Assistants, who satisfied the conditions as stipulated in G.O.Ms.No.125, Social Welfare and Nutritious Meal Programme Department dated 04.09.2008 could be promoted as either as Cooks based on their educational qualification and it could not be extended to all the incumbents. In Kamapuram Panchayat Union, 5 eligible Cook Assistants who satisfied the conditions were promoted as Organizers and 5 eligible Cook Assistants were promoted as Cooks.

4. The learned counsel for the petitioners would submit that out of 29 Cook Assistants, 5 eligible persons were promoted as Cooks and the remaining vacancies have not been filled up by the respondents and therefore, in the event of considering the remaining vacancies, the petitioners will get their chance and therefore, prays for appropriate orders.

5. The learned Government Advocate for the respondents 1 to 4, on instructions, would submit that whenever the remaining vacancies are filled up, the petitioners will be considered first for promotion to the post of Cooks and thereafter, the respondents would resort to direct recruitment.

6. Recording the above submission of the learned Government Advocate, this Court directs the respondents to consider the



request of the petitioners first for promotion to the post of Cooks, while filling up the remaining vacancies and thereafter to resort to direct recruitment.

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7. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Social Welfare and Nutritious Noon-Meal Department,
Secretariat, Fort St.George, Chennai-600 009.
2. The District Collector,
Cuddalore District, Cuddalore.
3. The Commissioner,
Social Welfare Department, Panagal Building, 2nd Floor,
Saidapet, Chennai-600 015.
4. The Block Development Officer,
Kammapuram Panchayat Union,
Virudhachalam Taluk, Cuddalore District.
5. The Block Development Officer,
Srimushnam Panchayat Union,
Srimushnam Taluk, Cuddalore District.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.16523

+1cc to the Government Pleader, S.R.No.16268

W.P.No.16218 of 2020

RSI (CO)
PM/18/03/2022