



W.P.No.2564 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2564 of 2018

and

W.M.P.No.3141 of 2018

M.Magudeeswari

... Petitioner

-Vs-

1. The Government of Tamilnadu,
Labour & Employment Department,
Fort St.George, Chennai-09

2. The District Collector,
Collectorate Office,
Tiruppur District

3. The Commissioner
Udumalpet Panchayat Union,
Tirupur District

4. V.Arunapriya

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order in Na.Ka. No.A1/599/ 2016 dated 22.09.2017 passed by the second Respondent and quash the same and



W.P.No.2564 of 2018

consequently direct the second respondent to appointment the Petitioner to the post of Nutrition Organizer to the K.Vallakundapuram Village Udumalpet Taluk.

For Petitioner : Mr.B.Kumarasamy

For Respondents : Mr.V.Arun, AAG, assisted by
Mr.Neethi Perumal, GA [for R1 & R2]
: Mr.S.suresh Kumar, SC [for R3]
: Mr.R.Franklin [for R4]

ORDER

The appointment of the fourth respondent as Noon Meal Organiser in proceeding dated 22.09.2017, is sought to be quashed in the present writ petition.

2. The petitioner participated in the process of selection for appointment to the post of Noon Meal Organiser. The petitioner submitted all the requisite documents before the selection committee for consideration. When she was expecting for selection, the authorities appointed the fourth respondent in violation of the Government order issued in G.O.Ms.No.163 dated 16.08.2010.



W.P.No.2564 of 2018

3. The learned counsel for the petitioner made a submission that the fourth respondent was not residing within the radius of 3 km, and therefore, there is no eligibility for her appointment as per the Government Guidelines.

4. The learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 made a submission that the selection was made in accordance with the guidelines issued. In this regard, the documents filed by the respondents are scrutinised. It is pursuant to the interim direction granted by this Court and measurements were taken by the competent authority.

5. The Road Inspector, who measured the distance in the present case, issued a certificate which would reveal that the fourth respondent Smt.V.Arunapriya is residing at a distance of 4.350 km from the center. Thus, the 4th respondent is residing beyond the radius of 3 km. When the Government order contemplates that the candidates must reside within a radius of 3 km, the appointment of fourth respondent as Noon Meal Organiser is in violation of the government guidelines.



W.P.No.2564 of 2018

6. Thus, this Court is inclined to consider the writ petition and accordingly, the order impugned passed by the second respondent in the proceeding Na.Ka.No.A1/599/2016 dated 22.09.2017 is quashed.

7. The second respondent is directed to conduct a fresh selection by following procedures contemplated as expeditiously as possible. Till such time, the in charge of Noon Meal Organizer is posted in the center, the fourth respondent may be allowed to continue in service.

8. With these directions, this writ petition stands **allowed**. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

18.11.2022

Index : Yes
Speaking order
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W.P.No.2564 of 2018

To
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WEB COPY



W.P.No.2564 of 2018

S.M.SUBRAMANIAM.J.,

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W.P.No.2564 of 2018

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W.M.P.No.3141 of 2018

18.11.2022