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W.P.No.17862 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17862 of 2018
and
W.M.P.No.21156 of 2018

Kiruthika

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector Officer,
Cuddalore, Cuddalore District.

2.Malliga

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring the selection, appointment of the 2nd respondent as Noon Meal Organiser in Keerapalayam Panchayath Union Primary School at T.Nedunchery by the 1st respondent is as arbitrary, illegal, consequently direct the 1st respondent to conduct fair and proper selection and consider the candidature of the petitioner for the post of Noon Meal Organizer in Keerapalayam Panchayath Union Primary School at T.Nedunchery and publish the result of the selected candidate.



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For Petitioner : Mr.P.R.Thiruneelakandan
For R1 : Mr.V.Arun
Additional Advocate General
Assisted by Mr.S.Ravichandran
Additional Government Pleader
For R2 : Mr.S.Sathish Rajan

ORDER

The writ of declaration is filed to declare the selection, appointment of the 2nd respondent as Noon Meal Organiser in Keerapalayam Panchayath Union Primary School at T.Nedunchery by the 1st respondent is as arbitrary, illegal, consequently direct the 1st respondent to conduct fair and proper selection and consider the candidature of the petitioner for the post of Noon Meal Organizer in Keerapalayam Panchayath Union Primary School at T.Nedunchery and publish the result of the selected candidate.

2. The petitioner and the 2nd respondent along with other candidates participated in the process of selection and appointed to the post of Noon Meal Organiser.



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3. The learned counsel for the petitioner states that the 2nd respondent, who is not residing within the radius of 3kms was appointed in violation of the Government guidelines issued in G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department dated 18.08.2010.

4. Pursuant to the interim direction issued by this Court to verify the correctness of the selection made, the Assistant Engineer of the Panchyath Union conducted a measurement by issuing notice to the parties concerned. As per the certificate of measurement issued by the Assistant Engineer, the writ petitioner Smt.Krithika is residing at a distance of 0.230kms from the Centre. However, the 2nd respondent Smt.Malliga is residing 3.300kms from the Centre. Thus, the appointment of the 2nd respondent as Noon Meal Organiser is in violation of the Government guidelines issued in G.O.Ms.No.163 dated 18.08.2010. The Government guidelines contemplate that the distance between the place of appointment and the residence of applicant shall be within the radius of 3kms.

5. In the present case, the 2nd respondent is found residing beyond the radius of 3kms and therefore, this Court is inclined to consider the writ



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petition and accordingly, the appointment of the 2nd respondent as Noon Meal Organiser in Keerapalayam Panchayath Union Primary School at T.Nedunchery by the 1st respondent is declared as null and void and consequently, the 1st respondent is directed to conduct a fresh selection by following the procedures as contemplated and as expeditiously as possible.

6. With the above direction, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

08.11.2022

Jeni

Index : Yes
Speaking order

To

The District Collector,
Office of the District Collector Officer,
Cuddalore, Cuddalore District.



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S.M.SUBRAMANIAM, J.

Jeni

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