



W.P. No. 6419 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 6419 of 2016

P.Mohanasundari

... Petitioner

-VS-

1. The District Collector,
Collectorate Office,
Vellore.

2. The Commissioner,
Panchayat Union,
Kaveripakkam.

3. Sujatha

4. Sulochana

5. Anitha

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First and Second Respondents to place the Petitioner as Noon Meal Organizer as per the Petitioner's representation dated 08.02.2016.

For Petitioner : Mrs. R.Meenal

For Respondents : Mr. V.Arun
Additional Advocate General assisted by
Mr. P.Balathandayutham
Special Government Pleader (for R1)



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Mr. R.Kumaravel
Additional Government Pleader (for R2)

Not ready in notice (for R3 to R5)

ORDER

Heard Mrs. R.Meenal, Learned Counsel for the Petitioner and Mr. V.Arun, Learned Additional Advocate General assisted by Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the First Respondent and Mr. R.Kumaravel, Learned Additional Government Pleader appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties. In view of the order proposed to be passed, which would not cause any prejudice to the Third to Fifth Respondents, notice to them is dispensed with.

2. The Petitioner and the Third to Fifth Respondents had applied for the post of Noon Meal Organizer in Kaveripakkam Panchayat Union School, Peruvalayam, Seri and Athipattu School and the Third to Fifth Respondents had been selected to that post, which has been challenged by the Petitioner in this Writ Petition.



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3. The grievance ventilated by the Petitioner in this Writ Petition is that she is a destitute widow and her residence is situated within 2½ kms from the Noon Meal Centre, but she has not been selected. It is further contended that the Third to Fifth Respondents, who had also applied for the post, were in economically better position than the Petitioner and as such, they could not be considered for appointment to the said post.

4. The First Respondent has filed Counter-Affidavit dated 23.06.2016 pointing out that the residence of the Petitioner was not within 3 kms from the Noon Meal Centre as required in G.O. Ms. No. 163, Social Welfare and Nutritious Meal Program Department dated 18.08.2010 issued by the Government of Tamil Nadu and that the Petitioner has secured 17 marks as against the Fifth Respondent, who has obtained 27 marks and has been selected as per the comparative assessment of marks shown in the tabular statement below:-

S.No.	Particulars	Maximum Marks	Marks obtained by the candidate selected	Petitioner
1	For Widow/Deserted Woman	10 marks	-	10 marks
2	For Possessing Anthothya Anna Yogana Card/Green Card	5/2 marks	2 marks	2 marks
3 (a)	For resident within one km radius of Noon Meal Centre	20 marks (maximum)	20 marks	-



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S.No.	Particulars	Maximum Marks	Marks obtained by the candidate selected	Petitioner
(b)	For resident outside 1 km radius but within 2 kms distances from the Noon Meal Centre	10 marks	-	-
(c)	For resident outside 1 km radius but within 3 kms distance from the Noon Meal Centre.	5 marks	-	-
4	Candidate who having two female child	5 marks	-	-
5	Age Factor (both are below 35)	5 marks	-	-
6	For knowledge in maintaining Accounts	5 marks	5 marks	5 marks
	Total	50 marks	27 marks	17 marks

5. Even if it is accepted that the residence of the Petitioner is within 2½ kms from the Noon Meal Centre as claimed by her and 5 marks are added, she would be entitled to only 22 marks, which is lesser than that of the Fifth Respondent. In such circumstances, there does not appear to be any merits in the claim made by the Petitioner in this case.

In fine, the Writ Petition is dismissed. No costs.

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Index: Yes/No

Note: Issue order copy by 27.10.2022.



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To

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P.D. AUDIKESAVALU, J.

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