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W.P.No.20148 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20148 of 2019

G.Mageshwari

... Petitioner

Vs.

1.The Director of Social Welfare,
Chennai – 600 005.

2.The District Collector,
Krishnagiri District,
Krishnagiri.

3.The Mathur Panchayat Union,
Mathur, Krishnagiri District.
Represented by its Commissioner

4.Thilagavathy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to Pro.Na.Ka.No.6360/2011/X.1 dated 19.02.2019 quash the same and issue consequential direction to the 2nd respondent to cancel the appointment of the 4th respondent as NMO of Kottanur Center and appoint the petitioner as such in her place.



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For Petitioner	: Mr.S.Murugan
For R1 & R2	: Mr.V.Arun Additional Advocate General Assisted by Mr.S.Rajesh Government Advocate
For R3	: Mr.M.Perumal
For R4	: No Appearance

ORDER

The order of rejection, rejecting the claim of the writ petitioner for appointment to the post of Noon Meal Organiser in proceedings dated 19.02.2019 is sought to be quashed in the present writ petition.

2. The petitioner and the 3rd respondent participated in the process of selection for appointment to the post of Noon Meal Organiser. The Government issued guidelines for selection and various criterias are prescribed.

3. The learned counsel for the petitioner made a submission that the merit assessment was not made properly by the competent authorities and



the 4th respondent, who is less meritorious was appointed in violation of the Government guidelines issued. Mere possession of property by the petitioner was considered as a ground to reject her selection. Such a ground raised is improper and therefore, the order impugned dated 19.02.2019 is to be set aside.

4. The learned Additional Advocate General appearing on behalf of the 'State' made a submission that the selection was conducted by following the procedures as contemplated. The relative merit assessments were made between the candidates and the Selection Committee found that the 4th respondent was more meritorious in all respects and accordingly, considered for selection and appointment. The petitioner is now over aged and therefore, she cannot be considered at this length of time.

5. The fact remains that the present writ petition is the third round of litigation. Pursuant to the notification, the petitioner submitted an application on 02.03.2007. Thereafter, the petitioner filed W.P.No.27916 of 2007 for a direction, to direct the respondents to consider the representation submitted by the writ petitioner for appointment to the post of Noon Meal Organiser at Kottanoor Panchayat Union Middle School, Mathur Panchayat



Union, Krishnagiri District. This Court passed an order on 23.08.2007, directing the respondents to consider the grievances of the writ petitioner and pass appropriate orders.

6. Thereafter, the petitioner again filed another writ petition in W.P.No.4493 of 2011 challenging the order dated 11.10.2007 and 29.07.2010. This Court passed final orders on 28.11.2018 as follows:

“8. In the light of the aforesaid facts and circumstances of the case, this court is inclined to pass the following order:

(1) The impugned order passed by the 2nd respondent dated 29.07.2010 in Na.Ka.No.46041/07/X-1, is quashed and the matter is remitted to the 2nd respondent to consider afresh.

(2) Liberty is granted to the Writ Petitioner to appear before the 2nd respondent within one week from the date of receipt of a copy of the order and the Petitioner shall furnish particulars and representation, if any, to the 2nd respondent.

(3) The 2nd respondent shall provide opportunity to both the Writ Petitioner as well as



the 4th respondent, to put forth their contentions in support of their application for the post of Nutritious Meal Organiser and consider the same and pass reasoned orders, in accordance with law, as early as possible, preferably within twelve weeks.”

7. Pursuant to the directions issued by this Court, the respondents considered the case of the writ petitioner based on the documents available and passed the impugned order in proceedings dated 19.02.2019. The case of the writ petitioner was not considered mainly on the ground that she possessed immovable properties including two-storey building, shop and rice mill. That apart, the late husband of the writ petitioner was also possessing immovable properties, which is maintained by the petitioner. The children of the petitioner are working in private sector. Considering the facts and circumstances merit assessment was made between the candidates and accordingly, the 4th respondent was appointed as Noon Meal Organiser.

8. The learned Additional Advocate General appearing on behalf of the respondents 1 and 2 brought to the notice of this Court about the report submitted by the Deputy Block Development Officer, which reveals that the



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4th respondent is residing in a portion in her father-in-law's house and her husband is working as Cooli and there is no property stands in her name and in the name of her husband. Thus, the family circumstances and other relative factors were considered while selecting the 4th respondent for appointment to the post of Noon Meal Organiser.

9. This Court is of the considered opinion that the Government has taken a policy decision to appoint more suitable candidates for such posts and that apart, selection was of the year 2007 and as of now the petitioner is aged about 52 years and the 4th respondent is far younger than the writ petitioner. For all these reasons, this Court is not inclined to interfere with the appointment of the 4th respondent as Noon Meal Organiser.

10. Accordingly, the Writ Petition stands dismissed. No costs.

26.10.2022

Jeni

Index : Yes

Speaking order



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S.M.SUBRAMANIAM, J.

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