



WEB COPY



W.P. No. 5212 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2022

CORAM

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

W.P. No. 5212 of 2017

and

W.M.P. Nos. 5536 and 5537 of 2017

K.Gurubalan

... Petitioner

-VS-

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government
Social Welfare & Nutritious Meal Program Department
Secretariat, Fort St. George
Chennai – 600 009.
2. The District Collector
Nagapattinam
Nagapattinam District.
3. The Block Development Officer
Vedaranyam Range
Nagapattinam District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Notification issued by the Second Respondent through paper advertisement in Ve.Aa.No.78/SemathoA/2016 dated 28.01.2017 served on 30.01.2017, and to quash the same and consequently direct the Respondent to conduct selection to the post of Noon Meal Organizer by adopting method of selection involving participation of School Management and in compliance with other legal requirements.



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For Petitioner : Mr. G.Sankaran
For Respondents : Mr. V.Arun
Additional Advocate General
assisted by
Mr. D.Gopal, Government Advocate

ORDER

Heard Mr. G.Sankaran, Learned Counsel for the Petitioner and Mr. V.Arun, Learned Additional Advocate General assisted by Mr. D.Gopal, Learned Government Advocate appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner is the Secretary of a non-minority private school receiving grant-in-aid from the Government of Tamil Nadu for payment of salary to its teachers. The Writ Petition has been filed, relying on the decision of this Court in *Sthayamadha Middle School -vs- Principal Secretary to Government, Social Welfare & Nutritious Meal Program Department, Chennai* (Order dated 17.10.2012 in W.P. (MD) No. 7981 of 2012 etc., batch), to quash the Notification No. Ve.Aa.No.78/SemathoA/ 2016 dated 28.01.2017 issued by the Second Respondent through paper advertisement on 30.01.2017 and to conduct selection to the post of Noon Meal Organizer by adopting the method of selection involving participation of School Management.



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3. It has been brought to by Learned Additional Advocate General appearing for the Respondents that the Division Bench of this Court in *Secretary to Government of Tamil Nadu, Social Welfare and Nutritious Meals Department, Chennai -vs- M.Muthulakshmi* (Order dated 22.03.2017 in W.A. (MD) Nos. 792 of 2012 etc., batch) has set aside the aforesaid order of the Learned Judge of this Court and upheld the validity of G.O. Ms. No. 4, Social Welfare and Nutritious Meal Programme Department dated 06.01.2011 issued by the Government of Tamil Nadu imposing different procedure for appointment of Noon Meal Organizers for Government Aided Minority Schools and Government Aided Non-Minority Schools. In view of the same, the challenge made by the Petitioner in the Writ Petition cannot be sustained.

4. In fine, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed. 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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1. The Principal Secretary to Government of Tamil Nadu
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P.D. AUDIKESAVALU, J.

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