



W.P.No.30427 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.30427 of 2017

and

W.M.P.Nos.33188 & 33189 of 2017

Tmt.Jothi

... Petitioner

Vs.

1. The District Collector
Dharmapuri District,
Dharmapuri

2. S. Pownammal

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records made in Impugned order Na.Ka.No.1521/2016/X1 dated 13.11.2017 on the file of First Respondent herein and quash the same as illegal and direct the First Respondent to appoint the petitioner as Noon Meal Organiser in Medukalli Panchayat Union Primary School, Dharmapuri District.

For Petitioner : Mr.S.Sankarasubbu

For Respondents : Mr.V.Arun, AAG, Assisted by
Mrs.P.RajaRajeswari, GA [R.1]
: Mr.S.Ajikumar [R.2]

ORDER



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The appointment of the second respondent as a Noon Meal Organizer is sought to be quashed in the present writ petition.

2. The petitioner states that she participated in the process of selection for appointment to the post of Noon Meal Organizer. The petitioner submitted all the requisite documents and performed well. However, the second respondent was selected and appointed in violation of the guidelines issued by the Government in GOMs.No.163 dated 16.08.2010.

3. The learned counsel for the petitioner reiterated that the second respondent is residing beyond the radius of 3 kilometers from the Meal Centre and therefore, the selection is in violation of the guidelines and thus, the appointment order of the second respondent is to be set aside.

4. Pursuant to the interim direction issued by this Court, the first respondent with the assistance of the authorities competent, verified the correctness of the selection and measurements were also taken to find out the distance between the centre and the residence of the respective candidates. After issuing notice to the petitioner and the second



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respondent, measurement were taken.

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5. The learned Additional Advocate General submitted a copy of the marks statement which would reveal that the competent selection committee awarded 36 marks to the writ petitioner and the second respondent scored 41 marks. However, the certificate issued by the Assistant Engineer, Panchayat Union Kharimangalam, reveals that the petitioner, Smt.Jothi is residing at a distance of 7.05 Kilometers and the second respondent Smt.S.Pownammal is residing at a distance of 3.75 Kilometers from the centre. Thus, the 2nd respondent is not eligible for selection and appointment to the post of Noon Meal Organizer. The Government guidelines issued in GOMS.No.163, stipulates that the candidate must be residing within a radius of 3 kilometers and in the present case, the second respondent is residing beyond the radius of 3 kilometers. Therefore, the appointment of the second respondent is in violation of the Government Guidelines issued.

6. Accordingly, the impugned order passed by the first respondent in proceeding Na.Ka.No.1521/2016/X1, dated 13.11.2017, is quashed and the first respondent is directed to conduct a fresh selection by following the



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procedures as contemplated, as expeditiously as possible.

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7. Till an in-charge staff is appointed in place of the second respondent, she may be allowed to continue, in the interest of the children who all are being maintained in the Noon Meal Centre.

8. Accordingly, the Writ petition stands **allowed**. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

15.11.2022

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Internet : Yes
Index : Yes / No
Speaking order / Non Speaking order

To,

1. The District Collector
Dharmapuri District,
Dharmapuri

S.M.SUBRAMANIAM, J.



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