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W.P.No.19291 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 15.09.2022**

CORAM :

**THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM**

**W.P.No.19291 of 2017**  
**and**  
**W.M.P.No.20797 of 2017**

R.Sathiavanimuthu

... Petitioner

Vs.

1.The District Collector,  
Villupuram, Villupuram District.

2.S.Renuka

... Respondents

**PRAYER** : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for records relating to the impugned order of the first respondent in Na.Ka.No.PE. 4/533/2016 dated 21.06.2017 and quash the same and direct the first respondent to appoint the petitioner as Noon Meal Organizer in the place of the second respondent at the panchayat Union Primary School, Pennagar with effect from the date of appointment of the second respondent and grant her all consequential benefits.



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For Petitioner : Mr.P.Rajendran  
For R1 : Mrs.C.Sangamithirai  
Special Government Pleader  
For R2 : Mr.C.Munusamy

### **ORDER**

The order of appointment, dated 21.06.2017, appointing the 2<sup>nd</sup> respondent as Noon Meal Organizer, is under challenge in the present writ petition.

2.The petitioner states that she passed Higher Secondary Course Examination and belongs to Scheduled Caste Community. The petitioner states that she is fully qualified for selection and appointment to the post of Noon Meal Organizer in Panchayat Union Elementary School, Pennagar. The petitioner participated in the process of selection and submitted all the relevant certificates for verification. However, the case of the writ petitioner was not considered without any valid reason and the 2<sup>nd</sup> respondent was appointed on extraneous consideration. Thus, the petitioner is constrained to file the present writ petition, challenging the order of



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appointment issued in favour of the 2<sup>nd</sup> respondent.

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3.The learned counsel for the petitioner mainly contended that the process of selection was not conducted in accordance with the established procedures to be followed. The authorities, without following the procedures established, made assessment and selected candidates, without following the guidelines issued by the Government, in letter and spirit. The learned counsel further submitted that the 2<sup>nd</sup> respondent, who was appointed, is not residing within the radius of 3 km from the Noon Meal Centre and the said fact was not considered by the Interview Committee. Thus, the order impugned is liable to be set aside.

4.The learned Additional Advocate General appearing on behalf of the 1<sup>st</sup> respondent, objected the said contentions by stating that the selection was conducted by considering the criteria formed by the District Collector and based on the criteria, assessments were made and the 2<sup>nd</sup> respondent was selected and therefore, the writ petition is to be rejected.



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5.The learned counsel for the 2<sup>nd</sup> respondent made a submission that the 2<sup>nd</sup> respondent was appointed and is serving for the past about five years and if at all any mistake committed by the official respondents, the same should not be a reason to cancel her appointment. The 2<sup>nd</sup> respondent participated in the process of interview and was selected and thus, the writ petition is to be rejected.

6.The 1<sup>st</sup> respondent has filed an additional counter affidavit, dated 25.07.2022. Perusal of the additional counter affidavit reveals that the selection was conducted based on the eligibility by the then District Administration and no mark proceedings were issued to any candidate at the time of conducting interview by the then Interview Committee. The selection was conducted based on the eligibility by the then District Administration and no marks were awarded to any candidate at the time of conducting interview by the then Interview Committee.

7.The Government Order in G.O.Ms.No.163, Department of Social Welfare and Nutritious Meal Scheme (NMS 2), dated 18.08.2010,



contemplates the procedure for appointment of Noon Meal Organizers.

Whenever certain criteria are fixed for assessment of the eligible candidates, the Interview Committee has to make assessment and award marks for the purpose of distinguishing the candidates and for considering the relative merits between various candidates, who all are participating in the process of selection. Unless marks are awarded for each criterion, it may not be possible to form a final opinion regarding the merits and demerits of the candidates. In the present case, no such marks were awarded and the authorities themselves made assessment during the relevant point of time and selected the 2<sup>nd</sup> respondent and appointed her. Such method of selection is unknown to law and cannot be trusted upon for the purpose of validating the selection. While conducting the process of selection, procedures must be transparent and there cannot be any room for doubt or irregularities otherwise. In the absence of awarding of marks for the various criteria fixed under the Government guidelines, it could not be possible for the candidates to understand regarding the assessment of the merits made by the Interview Committee. Thus, such selections are to be construed as infirm and not in accordance with the established principles to be followed for the purpose of conduct of selection. That apart, it is admitted by the 1<sup>st</sup>



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respondent in their additional counter affidavit, in Para No.5, that R.Sathiyavanimuthu/writ petitioner resides at No.72, Kovil Street, Pennagar Village & Post, Gingee Taluk, Villupuram District, which is 0.600 km away from the Noon Meal Centre (Panchayat Union Elementary School, Pennagar, Vallam Block) and the 2<sup>nd</sup> respondent/S.Renuka resides at 5.903 km away from the Noon Meal Centre (Panchayat Union Elementary School, Pennagar, Vallam Block). The above statement of the 1<sup>st</sup> respondent reveals that the 2<sup>nd</sup> respondent is residing beyond the radius of 3 km from the Noon Meal Centre, which is in violation of the Government guidelines issued in G.O.Ms.No.163, Department of Social Welfare and Nutritious Meal Scheme (NMS 2), dated 18.08.2010.

8.This being the factum established, the order of appointment issued in favour of the 2<sup>nd</sup> respondent cannot be sustained and therefore, the order impugned passed by the 1<sup>st</sup> respondent vide proceedings in Na.Ka.No.PE. 4/533/2016, dated 21.06.2017, is quashed. The 1<sup>st</sup> respondent is directed to issue a fresh notification for the purpose of selection and appointment to the post of Noon Mean Organizers in the Centre concerned.



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**WEB COPY** 9. With these directions, the writ petition stands allowed. No costs.

Consequently, connected miscellaneous petition is closed.

10. It is submitted by the learned counsel for the petitioner that a sum of Rs.5,000/- (Rupees Five Thousand only) has already been deposited in the name of Registrar General.

11. In view of allowing the writ petition, the Registrar General is directed to return the amount, if any deposited by the petitioner, immediately, to the petitioner.

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Internet : Yes

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Speaking order

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**S.M. SUBRAMANIAM, J.**

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