



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

CORAM

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

W.P.NO.31004 OF 2017

AND

W.M.P.NOS.33975 AND 33976 OF 2017

Sangeetha

... Petitioner

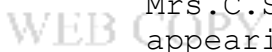
-vs-

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The P.A. to the District Collector,
Noon Meal Scheme,
O/o. the District Collector,
Dharmapuri District.
3. The Block Development Officer (Va.Voo),
Harur Panchayat Union,
Harur, Dharmapuri District.
4. Renuka

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Appointment Order vide Na. Ka. No. 1521/2016/XI dated 13.11.2017 on the file of the First Respondent and quash the same insofar as the Fourth Respondent is concerned and direct the First Respondent to appoint the Petitioner to the post of Noon Meal Organiser in Noon Meal Centre at Karuppulipatti Panchayat Union Middle School.

For Petitioner	:	Mr.S.Kumaradevan
For Respondents	:	Mrs.C.Sangamithirai, Special Government Pleader (for R1 and R2) Mr.V.Jayaprakash Narayanan (for R3) R4 - Notice dispensed with today



O R D E R

Heard Mr. S.Kumaradevan, Learned Counsel for the Petitioner, Mrs.C.Sangamithirai, Learned Special Government Pleader appearing for the First and Second Respondents and Mr. V.Jayaprakash Narayana, Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. In view of the order proposed to be passed, which would not cause any prejudice to the Fourth Respondent, notice to her is dispensed with.

3. The Petitioner and the Fourth Respondent had applied for the post of Noon Meal Organizer in the Harur Panchayat Union, Karuppilipatti Panchayat Union Middle School, Harur, Dharmapuri District and the Fourth Respondent had been selected to that post, which has been challenged by the Petitioner in this Writ Petition.

4. The contention raised by the Petitioner is that the Petitioner is residing 500 meters away from the Noon Meal Centre, but the Fourth Respondent, who is residing more than 6 kms away from the Noon Meal Centre, has been selected to that post.

5. In the Counter-Affidavit dated 22.12.2017 filed by the Third Respondent, a tabular statement showing comparative assessment of the inter se merit between the Petitioner and the Fourth Respondent has been provided and the same is extracted below :-

Factors	Marks earned by the Petitioner	Marks earned by the Fourth Respondent
Educational qualification	4	5
Non-priority status (/Destitute Widow / No. Of Children)	10	10
Distance between School and residence	1.5 k.m.	2 k.m.
Age	4	4



Factors	Marks earned by the Petitioner	Marks earned by the Fourth Respondent
Family Status (legal heir /children age / earning status of male child /female child)	3	3
Physical Fitness	10	10
Knowledge on Noon Meal	3	9
Total Marks Earned	37	43

It is evident that the residence of the Fourth Respondent is situated within 2 kms, which satisfies the mandatory condition of falling within 3 kms prescribed 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 merit of the Fourth Respondent, who had secured 43 marks, was higher than the 37 marks obtained by the Petitioner in the interview.

6. The mere circumstance that the residence of the Petitioner is nearer than to that of the Fourth Respondent cannot deprive her from selection when she was otherwise entitled to be appointed to the relevant post. As such, there does not appear to be any justification to interfere with the impugned order in the exercise of discretionary powers of judicial review of the decision-making process under Article 226 of the Constitution.

In fine, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The District Collector,
Dharmapuri District,
Dharmapuri.



2. The P.A. to the District Collector,
Noon Meal Scheme,
O/o. the District Collector,
Dharmapuri District.

WEB COPY

3. The Block Development Officer (Va.Voo),
Harur Panchayat Union,
Harur,
Dharmapuri District.

Copy to

Renuka,
W/o. Kotti,
Keelanur Village,
Chellpatti Post,
Harur Taluk,
Dhamarpuri District.

+1cc to the Government Pleader, High Court, Madras, S.R.No.17755

W.P.No.31004 of 2017

GP(CO)
RLP(16/05/2022)