



W.P. No. 31552 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM

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

W.P. No. 31552 of 2017

and

W.M.P. Nos. 34669 and 34670 of 2017

M.Elayarani

... Petitioner

-VS-

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

2. The District Collector
Dharmapuri District
Dharmapuri – 636 705.

3. Vennila

... Respondents

Prayer:- Writ Petition 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 order passed by the Second Respondent in Pro.Na.Ka.No. 1521/2016/XI dated Nil.11.2017 quash the same and issue consequential directions to First and Second Respondents herein to appoint the Petitioner as Noon Meal Organizer in the Panchayat Union Elementary School, Karungalmedu Centre, Karungalmedu Panchayat, Pennagaram Panchayat Union, Dharmapuri District.



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For Petitioner : Mr. R.Thamaraiselvan
For Respondents : Mr. V.Arun
Additional Advocate General
Assisted by
Mrs. C.Sangamithirai
Special Government Pleader
(For R1 & R2)

No appearance (for R3)

ORDER

Heard Mr. R.Thamaraiselvan, Learned Counsel for the Petitioner and Mr. V.Arun, Learned Additional Advocate General assisted by Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First and Second Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. Though the Third Respondent has been served, she has not entered appearance either in person or through counsel.

3. The contention raised in the Writ Petition is that the Petitioner is residing within 3 kms from the Noon Meal Centre, but the Third Respondent, who is residing 7 kms away from there, has been selected to that post. It has been highlighted that in terms of G.O. Ms. No. 163, Social Welfare and Nutritious



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Meal Program Department dated 18.08.2010 issued by the Government of Tamil Nadu, the selected candidate should be residing within 3 kms. from the Noon Meal Centre in which the selection is made.

4. This Court during the earlier hearing on 15.03.2022 had directed the Second Respondent to verify the distance of the Noon Meal Centre from the residences of the Petitioner and the Third Respondent at the time of making the application for the said post after issuing notices to the concerned parties and file a report in that regard and produce the entire records relating to comparative assessment of the Petitioner and the Third Respondent for suitability to be appointed to the post in this case.

5. In furtherance to the aforesaid order, Learned Additional Advocate General appearing for the First and Second Respondents has produced the distance measurement certificate from the Union Work Supervisor, Pennagaram Panchayat Union after issuing notice to the Petitioner and the Third Respondent. In the said certificate, it is shown that the residence of the Petitioner was 3.50 km while that of the Third Respondent is 2.80 kms at the time of making the application. This would obviously mean that the appointment of the Third Respondent cannot be disturbed.



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6. The Petitioner has not complied with the requirement in the order dated 15.03.2022 to produce the fixed deposit receipt for Rs.5,000/- in the name of the Registrar-General of this Court to show her *bonafides*. Having regard to the fact that the contentions of the Petitioner have been rejected, the said amount of Rs. 5,000/- shall be paid by her as costs through demand draft in favour of the Tamil Nadu State Legal Services Authority before 31.10.2022 without fail.

In fine, the Writ Petition is dismissed with costs. Consequently, the connected Miscellaneous Petitions are closed.

13.07.2022

Maya

Index: Yes/No

Note: Issue order copy by 27.10.2022.

To

1. The Director of Social Welfare,
Chepauk,
Chennai – 600 005.
2. The District Collector,
Dharmapuri District,
Dharmapuri – 636 705.



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1. M.Elayarani,
W/o. K.Murugesan,
Jakkampatty Village,
Koothapadi Post,
Pennagaram Taluk,
Dharmapuri District.
2. Vennila,
W/o. Krishnan,
Mallapuram Village,
Senganoor Post,
Pennagaram Taluk,
Dharmapuri District.
3. The Registrar-General,
Madras High Court,
Chennai – 600 104.
4. The Member Secretary,
Tamil Nadu State Legal Services Authority,
North Fort Road,
High Court Campus,
Chennai - 600 104.



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P.D. AUDIKESAVALU, J.

Maya

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