



WEB COPY



W.P. No. 31553 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. 31553 of 2017

and

W.M.P. Nos. 34671 and 34672 of 2017

M.Kanagambal

... Petitioner

-VS-

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

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

3. J.Rajeshwari

... 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 Middle School, Alamarathoor Centre, Pennagaram Panchayat Union, Dharmapuri District.



WEB COPY



W.P. No. 31553 of 2017

For Petitioner : Mr. R.Thamaraiselvan
For Respondents : Mr. V.Arun
Additional Advocate General
Assisted by
Mr. R.Kumaravel
Additional 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 Mr. R.Kumaravel, Learned Additional Government Pleader appearing for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. There is no representation for the Third Respondent when the matter is called at 11.21 a.m. today.

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 3½ kms away from there, has been selected to that post. It has been



W.P. No. 31553 of 2017

highlighted that in terms of G.O. Ms. No. 163, Social Welfare and Nutritious 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, the Second Respondent has filed additional Counter-Affidavit in which it has been stated that the distance from the Noon Meal Centre to the residence of the Petitioner is 6 kms while that of the Third Respondent is 2 kms at the time of making the application. This would obviously mean that the appointment of the Third Respondent cannot be disturbed.



W.P. No. 31553 of 2017

6. The fixed deposit for Rs. 5,000/- in the name of Registrar-General of this Court which has been handed over by the Petitioner in the Registry to show her *bonafides* in compliance of the order dated 15.03.2022 passed by the Court shall stand forfeited as she has not satisfied the eligibility criteria for appointment to the post and that amount shall be transferred to the Tamil Nadu State Legal Services Authority as costs realized from the Petitioner in this case.

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.



W.P. No. 31553 of 2017

Copy to

WEB COPY

1. J.Rajeshwari,
W/o. Late Saravanan,
Sanarpatty,
Perumbalai Post,
Pennagaram Taluk,
Dharmapuri District.
2. The Registrar-General,
Madras High Court,
Chennai – 600 104.
3. The Member Secretary,
Tamil Nadu State Legal Services Authority,
North Fort Road,
High Court Campus,
Chennai - 600 104.



WEB COPY



W.P. No. 31553 of 2017

P.D. AUDIKESAVALU, J.

Maya

W.P. No. 31553 of 2017

13.07.2022