



WEB COPY



WP No.31676 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-10-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.31676 of 2017

And

WMP No.34807 and 34808 of 2017

Saroja

..

Petitioner

VS.

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

2.The Personal Assistant to District Collector
(Noon Meal),
O/o. District Collector,
Dharmapuri District,
Dharmapuri – 636 705.

3.Kala

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent



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in proceedings Na.Ka.No.1521/2016/X1 dated Nil.11.2017, quash the same and issue consequential directions to respondents 1 and 2 to appoint the petitioner as Cook Assistant in Panchayat Union Middle School, Konangihalli Centre, Konangihalli Panchayat, Nallampalli Panchayat Union, Dharmapuri District.

For Petitioner : Ms.C.Sindhuja for
Mr.R.Thamaraiselvan.

For Respondents-1 and 2 : Mr.V.Arun,
Additional Advocate General
Assisted by Mr.K.Karthik Jaganath,
Government Advocate.

For Respondent-3 : No Appearance

ORDER

The order of appointment of the third respondent as 'Noon Meal Assistant' issued by the second respondent in proceedings dated Nil.11.2017, is sought to be quashed in the present writ petition.

2. Both the petitioner and the third respondent participated in the process of selection for appointment to the post of 'Noon Meal Assistant'. The petitioner, who is residing within the radius of three kilometers was not selected.



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3. However, the third respondent, who is residing beyond the radius of three kilometers was selected and appointed in violation of the Government Order issued in G.O.Ms.No.163, Department of Social Welfare and Nutritious Meal Scheme (NMS 2), dated 18.08.2010.

4. The learned counsel for the petitioner made a submission that the appointment of the third respondent was made on extraneous consideration and in violation of the Government guidelines issued for selection and appointment.

5. In order to verify the correctness of the distance, this Court issued an interim direction, directing the authorities to conduct measurements. Pursuant to the direction, the measurement was conducted in the presence of the candidates who participated in the process of selection.

6. The Road Inspector, Panchayat Union submitted a Report and the said Report reveals that the third respondent Smt.Kala is residing at



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the distance of 4.610 kilometers from the Centre. However, the writ petitioner Smt.Saroja is residing at the distance of 2.390 kilometers from the Centre. Thus the writ petitioner is residing within the radius of three kilometers and the third respondent is residing beyond the radius of three kilometers. Thus the appointment of the third respondent to the post of 'Noon Meal Assistant' 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.

7. The learned counsel for the petitioner made a submission that pursuant to the interim direction, the petitioner deposited a sum of Rs.5,000/- before the Registrar General, High Court, Madras. Since the petitioner is found to be residing within the radius of three kilometers, the said amount is directed to be reimbursed.

8. Accordingly, the order impugned issued by the first respondent in proceedings Na.Ka.No.1521/2016/X1 dated Nil.11.2017 is quashed. The respondents 1 and 2 are directed to conduct a fresh selection



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by following the procedures as contemplated as expeditiously as possible.

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9. With the abovesaid directions, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
Svn

To

- 1.The Director of Social Welfare,
Chepauk,
Chennai – 600 005.
- 2.The Personal Assistant to District Collector
(Noon Meal),
O/o. District Collector,
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S.M.SUBRAMANIAM, J.

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