



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

CORAM

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

W.P. NO. 31952 OF 2017

AND

W.M.P. NO. 35098 OF 2017

G.Sumathi

... Petitioner

-vs-

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Block Development Officer,
Harur Panchayat Union,
Harur - 636 903,
Dharmapuri District.
3. Olimalar

... Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Declaration, declaring the appointment made by the First Respondent by his proceedings dated Na. Ka. No. 1521/2016/X dated 13.11.2017 insofar as the selection and appointment of the Third Respondent is concerned, as the Noon Meal Organizer in Panchayat Union Middle School, Kongavembu, Harur Taluk, Dharmapuri District as illegal, malafide, null and void and consequently to direct the First Respondent to appoint the Petitioner as Noon Meal Organizer in Panchayat Union Middle School, Kongavembu, Harur Taluk, Dharmapuri District.

For Petitioner : No appearance

For Respondents: Mrs. C.Sangamithirai,
Special Government Pleader (for R1)

Mr. R.S.Selvam (for R2)

No appearance (for R3)



O R D E R

Heard Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First Respondent and Mr. R.S.Selvam, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. There is no representation for the Petitioner and the Third Respondent when the matter is called at 11.30 a.m. today.

3. The Petitioner and the Third Respondent had applied for the post of Noon Meal Organizer in Panchayat Union Middle School, Kongavembu, Harur Taluk, Dharmapuri District and the Third 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 within 3 kms from the Noon Meal Centre, but the Fourth Respondent, who is residing more than 3 kms away from the Noon Meal Centre, has been selected to that post.

5. In the Counter-Affidavit dated 28.04.2018 filed by the Second Respondent, a tabular statement showing comparative assessment of the inter se merit between the Petitioner and the Third Respondent has been provided and the same is extracted below :-

Factors	Marks earned by the Petitioner	Marks earned by the Third Respondent
Educational qualification	5	5
Non-priority status (Destitute Widow / No. of Children)	10	10
Distance between School and residence	5 (1Km.)	5 (1Km.)
Age	5	4
Family Status (legal heir /children age / earning status of male child /female child)	3	3
Physical Fitness	10	9
Knowledge on Noon Meal	2	9
Total Marks Earned	40	45



It is evident that the residence of the Third Respondent is situated within 1 km, 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 Third Respondent, who had secured 45 marks, was higher than the 40 marks obtained by the Petitioner in the interview.

6. The mere circumstance that the residence of the Petitioner is nearer than that of the Third 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

//True Copy//

Sub Assistant Registrar

gd

To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Block Development Officer,
Harur Panchayat Union,
Harur - 636 903,
Dharmapuri District.

+1cc to Mr. R.S.Selvam, Advocate, S.R.No.17491
+1cc to the Government Pleader, S.R.No.17757

W.P. No. 31952 of 2017

AJB (CO)
PM/12/05/2022