



W.P.No.32419 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32419 of 2017
and
W.M.P.Nos.35708 & 35109 of 2017

Nallammal

... Petitioner

Vs.

1.The Collector,
Dharmapuri District,
Dharmapuri.

2.The Block Development Officer,
(Block Panchayats)
Palacode, Dharmapuri District.

3.Tmt.P.Sumathi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in Na.Ka.No.1521/2016/X-1 dated .11.2017 and quash the same and direct the first respondent to appoint the petitioner as Noon Meal Organiser, Panchayat Union Primary School, Mothugulahalli in the place of the third respondent with effect from the date of the impugned order namely, .11.2017 and grant petitioner all consequential benefits.



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For Petitioner : Mr.P.Mohan Raj
For R1 & R2 : Mr.V.Arun
Additional Advocate General
Assisted by Mr.K.H.Ravi Kumar
Government Advocate
For R3 : No Appearance

ORDER

The appointment of the 3rd respondent as Noon Meal Organiser in proceedings dated 18.08.2010 is sought to be quashed in the present writ petition.

2. The petitioner states that she had participated in the process of selection for appointment to the post of Noon Meal Organiser at the Panchayat Union Primary School, Mothugulahalli. The petitioner submitted all the required documents and was expecting for selection. While so, the 3rd respondent, who is ineligible for the appointment was appointed in violation of guidelines in force.

3. The learned counsel for the petitioner mainly contended that the 3rd respondent was awarded 9 marks under the head of knowledge in noon meal



and less marks were awarded to the petitioner, which resulted in favouring the 3rd respondent for selection to the post of Noon Meal Organiser.

4. The learned counsel for the petitioner submitted that the Selection Committee has exercised the power of discretion in order to favour some candidates and thereby awarded higher marks under the head of knowledge in the Nutrition scheme.

5. The learned Additional Advocate General appearing on behalf of the respondents 1 and 2 made a submission that the assessment of the knowledge in Nutritious programmes are made by the Competent Selection Committee by formulating certain questions and questions regarding knowledge of cooking asked by the Committee and based on the answers given by the candidates, marks were awarded. The questions broadly asked by the Selection Committee are as under:

1. How much quantity of rice required for cooking 10 children?
2. How much dhal, oil and vegetables required for cooking sambar for 10 children?
3. How do you verify the eggs are in good condition?
4. What are size of utensils required for cooking to 10 children?
5. How will you be hygiene before you proceed cooking?



6. How will you serve foods to children?
7. How will you clean used utensils?
8. What will you do the utensils before cooking?
9. How do you maintain records regarding the stocks of rice, oil vegetables, etc?
10. How much fuel is required for cooking 10 children?
11. Do you know to measure / weigh the rice and other edibles?
12. How do you purchase good quality vegetables by lesser cost?

6. The learned Additional Advocate General appearing on behalf of the respondents 1 and 2 made a submission that the assessment was made based on certain criteria and therefore, there is no infirmity.

7. This Court is of the considered opinion that if at all there is any doubt arises in respect of the awarding of marks, regarding knowledge in cooking or nutritious programme, the person, who is approaching the Court has to establish any such favouritism or corrupted practices in the process of selection.

8. In the absence of any such proof to establish malpractices or corrupt practices in the process of selection, the Court cannot interfere with the merit assessment made by the Selection Committee, which became final.



The power of judicial review cannot be extended for the purpose of interfering with the assessment of merit made by the Selection Committee based on some criteria.

9. The assessments made by the committee become final. The broad allegations in this regard, if entertained, would unsettle the process of selection without any basis. Thus, the allegations, if any, specifically made regarding the irregularities, illegalities, malpractices or corrupt practices, then alone the High Court would be in a position to interfere with the process of selection and based on mere doubt, the process of selection cannot be interfered with by the High Court in writ proceedings.

10. In the present case, broader allegations are made regarding award of marks under the head of knowledge in cooking / nutritious meal program.

11. However, the learned Additional Advocate General appearing on behalf of the respondents 1 and 2 clarified that certain questions were formulated and based on the answers given by the candidates, marks were awarded and this being the factum, this Court do not find any infirmity in respect of the assessment made, more so, the petitioner could not able to



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establish any malpractices or corrupt practices in the matter of award of marks by the Selection Committee.

12. That apart, the 3rd respondent is found eligible and she has complied with the requirements contemplated in the Government orders. That being the factum, the petitioner has not established any acceptable ground for the purpose of interfering with the order of appointment of the 3rd respondent as Noon Meal Organiser.

13. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

26.10.2022

Jeni

Index : Yes

Speaking order



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To

1. The Collector,
Dharmapuri District,
Dharmapuri.
2. The Block Development Officer,
(Block Panchayats)
Palacode, Dharmapuri District.



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S.M.SUBRAMANIAM, J.

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