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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

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

W.P. No. 23336 of 2017
and
W.M.P. No. 24429 of 2017

S.Geetha

... Petitioner

-vs-

1. The Director
Social Welfare and Nutrition Project
Guindy, Chennai - 600 032.
2. The District Collector
Villupuram District
Villupuram.
3. The Thasildhar
Vikavanadi Taluk
Villupuram District.
4. G.Bakiyalakshmi

... Respondents

Prayer:- Writ Petitions 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 order of the Second Respondent in Na.Ka.No.PE4/533/2016 dated 21.06.2017 and quash the same, consequently, direct the Second Respondent to appoint the Petitioner as Nutrition Organizer in the Fourth Respondent place at the Panchayat Union Primary School at K.Puthupettai, Vikravandi Taluk, Villupuram District.

For Petitioner : Mr. E.C.Ramesh

For Respondents: Mrs. C.Sangamithirai (For R1 to R3)
Special Government Pleader

Mr. N.Manokaran (For R4)

O R D E R

Heard Mr. E.C.Ramesh, Learned Counsel for the Petitioner,
Mrs. C.Sangamithirai, Learned Special Government Pleader



appearing for the First to Third Respondents and Mr. N.Manokaran, Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

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2. The Petitioner and the Fourth Respondent had applied for the post of Noon Meal Organizer in the Panchayat Union Primary School, K.Pudupettiah Village, Kannai Union, Vikiravandi Taluk, Villupuram District and the Fourth Respondent had been selected to that post, which has been challenged by the Petitioner in this Writ Petition.

3. The contention raised by the Petitioner is that the Petitioner is residing 500 meters away from the Noon Meal Centre, but the Fourth Respondent, who is residing 3 kms away from the Noon Meal Centre, has been selected to that post. It is further stated that the Petitioner is a disabled person and the preference ought to have been extended to her in granting appointment.

4. The Second Respondent has filed Counter-Affidavit dated 08.12.2017 contending that the residence of the Fourth Respondent is situated within 3 kms., which satisfies the mandatory condition 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. It has been further explained that though reservation of 3% has been provided for disabled persons, the Fourth Respondent has been selected under General Category in Panchayat Union Primary School, K.Pudupettai which is not reserved for disabled persons.

5. The mere circumstance that the residence of the Petitioner is nearer than the residence of the Fourth Respondent cannot deprive her from selection when she was 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(CS-VII)

//True copy//

Sub Assistant Registrar



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To

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Social Welfare and Nutrition Project
Guindy, Chennai - 600 032.
2. The District Collector
Villupuram District
Villupuram.
3. The Thasildhar
Vikavanadi Taluk
Villupuram District.

+1cc to Mr.N.Manokaran, Advocate SR.No.13563

+1cc to Government Pleader SR.No.14604

W.P. No. 23336 of 2017

VG II(CO)
GMY(12/05/2022)