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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM

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

W.P. No. 18059 of 2017  
and  
W.M.P. No. 19609 of 2017

J.Lourdu Nayagi

... Petitioner

-vs-

1. The Secretary to the Government of  
Tamil Nadu Social Welfare and  
Nutritious Meal Programme Department  
Secretariat, Chennai - 600 009.
2. The District Collector  
Villupuram  
Villupuram District.
3. The District Project Officer  
Villupuram  
Villupuram District.
4. The Project Officer  
Child Developments  
Villupuram  
Villupuram District.
5. The Block Development Officer /Commissioner  
Panchayat Union  
Kanai, Villupuram District.

6. Smt. Arunadevi

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records and appointment order issued by the Second Respondent in favour of the Sixth Respondent pertaining to proceedings in Na.Kaa.No.BE4/533/2016 dated 21.06.2017 and quash the same and consequently, direct the Second Respondent to appoint the Petitioner as Noon Meal Organizer at Panchayat Union Elementary



School, Mambazhapattu, Kanai Panchayat Union in Villupuram district.

For Petitioner : Mr. S.Udayakumar

For Respondents: Mr. P.Gurunathan (For R1 to R5)  
Additional Government Pleader

Mr. J.Srinivasan (For R6)

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## O R D E R

Heard Mr. S.Udayakumar, Learned Counsel for the Petitioner, Mr. P.Gurunathan, Learned Additional Government Pleader for the First to Fifth Respondents and Mr. J.Srinivasan, Learned Counsel for the Sixth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner and the Sixth Respondent had applied for the post of Noon Meal Organizer at Panchayat Union Elementary School, Mambazhapattu, Kanai Panchayat Union, Villupuram District and the Sixth 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 100 meters away from the Noon Meal Centre, but the Sixth Respondent, who is residing 5 kms away from the Noon Meal Centre.

4. The Fifth Respondent has filed Counter-Affidavit dated 08.09.2017 contending that the residence of the Sixth Respondent is situated within 500 meters, 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. It has been further explained that the Sixth Respondent was found to be more suitable for selection to the said post.

5. The mere circumstance that the residence of the Petitioner is nearer than that of the Sixth Respondent cannot deprive her from selection when she was otherwise entitled to be appointed to the relevant post. The Petitioner has not been able to show in any way as to how she was more meritorious than the Sixth Respondent for getting selected to that 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.

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Sd/-  
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

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Kanai, Villupuram District.

+1cc to Mr.S.Udayakumar, Advocate, S.R.No.13565

+1cc to the Government Pleader, S.R.No.14598

W.P. No. 18059 of 2017

AJB(CO)  
SU(12/05/2022)