



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM :

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

W.P.NO.27271 OF 2017

AND

W.M.P. NOS.29122 AND 29243 OF 2017

J.Valarselvi

...Petitioner

Vs

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

2.The District Collector,
Vellore District,
Vellore.

3.The Panchayat Union Commissioner,
Tirupathur Panchayat Union,
Tirupathur,
Vellore District.

4.V.Suthanthira Kodi

...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 orders in the Second Respondent in Pro. Na. Ka. No. 100/2017/PG dated 28.09.2017 and the order of the Third Respondent in Pro. Na. Ka. A8/296/2017 dated 03.10.2017, quash the same and issue consequential direction to the First to Third Respondents to appoint the Petitioner in the post of Nutritious Meals Cook Assistant in Panchayat Union Middle School, Pudhu Pungulam.

For Petitioner : Mr.T.Dharani

For Respondents : Mrs. C.Sangamithirai,
Special Government Pleader
(for R1 & R2)

No appearance (for R3 & R4)



O R D E R

Heard Mr. T.Dharani, Learned Counsel for the Petitioner and Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner and the Fourth Respondent had applied for the post of Noon Meal Cook Assistant in Podhupoongulam Panchayat Middle School, Vellore 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 mtrs away from the Noon Meal Centre, but the Fourth Respondent, who is residing 1½ kms away from the Noon Meal Centre, has been selected to that post.

4. The Third Respondent has filed Counter-Affidavit dated 29.10.2017 stating that the residence of the Fourth Respondent is situated within 1 km from the Noon Meal Centre, 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 merit of the Fourth Respondent, who had secured 25 marks, was higher than 16 marks obtained by the Petitioner in the interview.

5. The mere circumstance that the residence of the Petitioner is nearer than that of the Fourth 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 Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

vjt



To

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

2.The District Collector,
Vellore District,
Vellore.

3.The Panchayat Union Commissioner,
Tirupathur Panchayat Union,
Tirupathur,
Vellore District.

+1cc to Mr.T.Dharani, Advocate Sr.No.13831

+1cc to the Government Pleader Sr.No.14603

W.P.No.27271 of 2017

VG-II(CO)
RVM(12/05/2022)