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W.P. No. 19499 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2022

CORAM

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

**W.P. No. 19499 of 2017
and
W.M.P. No. 21046 of 2017**

M.Sarala

... Petitioner

-VS-

1. The District Collector,
Villupuram District,
Villupuram.
2. The Block Development Officer (Va.Vu),
Kanai,
Villupuram Taluk,
Villupuram District.
3. R.Vijayashanthi

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records of the First Respondent issued in his proceeding in Na. Ka. No. BE.4/533/2016 dated 21.06.2017 and quash the same and consequently direct the First Respondent to consider the Petitioner for appointment as Noon Meal Organizer in respect of Government High School, Padukaruvachi Noon Meal Centre.



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For Petitioner : Mr. M.Selvarangan

For Respondents : Mr. V.Arun,
Additional Advocate General assisted by
Mrs. C.Sangamithirai,
Special Government Pleader (for R1)

Mr. A.Rajaperumal (for R2)

Mr. V.Raghavachari (for R3)

ORDER

Heard Mr. M.Selvarangan, Learned Counsel for the Petitioner, Mr. V.Arun, Learned Additional Advocate General assisted by Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First Respondent, Mr. A.Rajaperumal, Learned Counsel for the Second Respondent and Mr. V.Raghavachari, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner and the Third Respondent had applied for the post of Noon Meal Organizer in Government High School, Pudukaruvachi Noon Meal Centre, Villupuram District and the Third Respondent had been selected to that post, which has been challenged by the Petitioner in this Writ Petition.



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3. The primordial contention of the Petitioner is that though her residence is situated within 3 kms from the Noon Meal Centre as required in G.O. Ms.

No. 163, Social Welfare and Nutritious Meal Program Department dated 18.08.2010 issued by the Government of Tamil Nadu, the Third Respondent, who is married to one Selvam of Arcot Village, Thirukoilur Taluk, Villupuram District, where she is now residing, has been illegally appointed to the said post. It has been explained by the Second Respondent in the additional Counter-Affidavit that though the Third Respondent is married to the said Selvam, she is a permanent resident of Pudukaruvachi Village for which proof has been submitted by her showing address in the following documents:-

- (i) Aadhar Card bearing Ni. 8542 1619 2700;
- (ii) Nativity Certificate bearing Certificate No.CFFC6D6D6B687C86;
- (iii) Community Certificate bearing Certificate No. 7FAF6E6D6A687C86;
- (iv) Income Certificate bearing Certificate No. EEDD6F6D69687C86;
- (v) Ration Card bearing No. 07/G/0653897;

It has also been verified that the distance of the residence of the Third Respondent at the said address from the Noon Meal Centre is 116 meters, which is within the stipulated limit for the same.



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5. It is next pleaded that 3% reservation has not been followed for differently abled persons contrary to G.O. Ms. No. 139, Social Welfare and Nutritious Meal Program Department dated 28.05.2012 issued by the Government of Tamil Nadu in that regard. It has been brought to notice by the Second Respondent that out of 402 Noon Meal Centres in Villupuram District, 3% reservation for differently abled persons has been made at 12 places and implemented, and that the Noon Meal Centre in which the Petitioner claims appointment does not fall under that category.

6. That apart, it has been highlighted that the Petitioner has been appointed as Anganwadi Worker of Pudhukaruvatchi Village, Villupuram District on 14.12.2017 after the filing of the Writ Petition and in view of the same, she cannot prosecute her claim for appointment in the Noon Meal Centre in this case as the same person cannot work in two posts at the same time. In such circumstances, there does not appear to be any merit in the contentions raised by the Petitioner in the Writ Petition and she is not entitled to the relief claimed.



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In fine, the Writ Petition is dismissed. Consequently, the connected

Miscellaneous Petition is closed. No costs.

15.07.2022

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Index: Yes/No

Note: Issue order copy by 27.10.2022.

To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Block Development Officer (Va.Vu),
Kanai,
Villupuram Taluk,
Villupuram District.



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P.D. AUDIKESAVALU, J.

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