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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. 19562 OF 2017

AND

W.M.P. NOS. 21123 AND 21124 OF 2017

M.Alamelu

... Petitioner

-vs-

1. The District Collector,
Office of the District Collector,
Nagapattinam District.

2. The Commissioner,
Thalainayar Panchayath Union,
Thalainayar,
Vedharanyam,
Nagapattinam District.

3. S.Punitha

... 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 entire records connected with the impugned order passed by the First Respondent in Na. Ka. No. 487/Sa.Vu.Thi/2016 dated 22.05.2017 in appointing the Third Respondent as Noon Meal Organizer and quash the same and consequently direct the First and Second Respondents to appoint the Petitioner as Noon Meal Organizer in the vacancy or existing vacancy.

For Petitioner : No appearance

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

Mr. V.Jayaprakash Narayanan (for R2)

Mr. S.Arivazhagan (for R3)



O R D E R

Heard Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First Respondent, Mr. V.Jayaprakash Narayanan, Learned Counsel for the Second Respondent and Mr. S.Arivazhagan, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. There is no representation for the Petitioner when the matter is called at 11.30 and 12.04 p.m today.

3. The Petitioner and the Third Respondent had applied for the post of Noon Meal Organiser, Panchayat Union Middle School, Talanayar IV Sethi, Vedaranyam Taluk, Nagapattinam District and the Third Respondent had been selected to that post, which has been challenged by the Petitioner in this Writ Petition.

4. The contention raised by the Petitioner is that the Petitioner is residing 1½ kms away from the Noon Meal Centre, but the Third Respondent, who is residing 6 kms away from the Noon Meal Centre, has been selected to that post.

5. The Second Respondent has filed Counter-Affidavit dated 23.10.2017 stating that the residence of the Third 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 the merit of the Third Respondent was higher than that of the Petitioner and she was found to be more suitable for selection to the said post.

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

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vjt

To

1. The District Collector,
Office of the District Collector,
Nagapattinam District.
2. The Commissioner,
Thalainayar Panchayath Union,
Thalainayar,
Vedharanyam,
Nagapattinam District.

Copy to

M.Alamelu,
W/o. P.Muruganandham,
24/14, Nallar, Malliyanar Road,
Thalainayar III Sethi,
Vedharanyam Taluk,
Nagapattinam District.

+1cc to Mr. V.Jayaprakash Narayanan, Advocate, S.R.No.14009
+1cc to the Government Pleader, S.R.No.14605

W.P. No. 19562 of 2017

SR II (CO)
PM/12/05/2022