



W.P.No.25147 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.25147 of 2018
and W.M.P.No.29218 of 2018

Kolanjiammal

.... Petitioner

-Vs-

1.The District Collector
Cuddalore District
Cuddalore-1.

2.The Commissioner
Panchayat Union
Nallur Panchayat Union Office
Vepur Taluk, Cuddalore District.

3.Vasanthi

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the 1st respondent vide proceedings in Na.Ka.PD 1/298/2016 dated 11.06.2018 quash the same and consequently directing the 1st respondent herein to appoint the petitioner as a Noon Meal Organizer at Panchayat Union Primary School, Pinjanur, Vepur Taluk, Cuddalore District.

For Petitioner : Mr.G.Anabayachozhan
For Respondents : Mr.V.Arun, Additional Advocate General
Assisted by Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader
Mr.R.Kumaravel, Additional Govt.Pleader



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ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus to call for the records relating to the 1st respondent vide proceedings in Na.Ka.PD 1/298/2016 dated 11.06.2018 quash the same and consequently directing the 1st respondent herein to appoint the petitioner as a Noon Meal Organizer at Panchayat Union Primary School, Pinjanur, Vepur Taluk, Cuddalore District.

2. In order to fill up the post of Noon Meal Organizer at Panchayat Union Primary School at Pinjanur Village / Centre at Cuddalore District, applications were called for from the eligible candidates by the first respondent / District Collector, pursuant to which eligible persons applied including the petitioner as well as the third respondent. After having followed the procedure which should have been followed as per the Government Order which is in vogue in this regard, the first respondent ultimately passed an order of appointment in favour of the third respondent by order dated 11.06.2018 under which the third respondent was appointed as Noon Meal Worker at the Panchayat Union Primary School at Pinjanur. Challenging the same, the present writ petition has been filed.

3. The only ground raised by the petitioner, as projected by the learned counsel for the petitioner, is that in the whole district, there was no reservation / horizontal reservation for differently abled persons under the Act. Insofar as the



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petitioner is concerned, since she is a differently abled person, had that reservation been made, she would have been in a position to get selected for the post and since such reservation has not been made, the chance of the petitioner has been lost. Therefore, on that ground she challenges the impugned order passed by the first respondent appointing the third respondent to the post of Noon Meal Worker in the Centre concerned.

4. Mr.V.Arun, learned Additional Advocate General appearing for the respondents 1 and 2, on instructions, would submit that no doubt the respondents are liable to make reservation for differently abled persons, which is maximum of 4%.

5. For the purpose of making horizontal reservation for the differently abled persons, the Revenue District would be taken as a Unit. Cuddalore District since has been taken as an Unit, out of more than 200 vacancies to be filled up, out of which 8 posts have already been reserved for differently abled persons and in support of such contention, the learned Additional Advocate General has produced a chart containing the details of the Cuddalore District. In the said chart, there were 8 posts already reserved for differently abled persons, 2 at Parangipettai, 1 at Keerapalayam, 1 at Kattumannar Koil, 1 at Kammapuram, 1 at Vridhachalam, 1 at Mangalore and 1 at Cuddalore Municipality. Thereby, eight



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posts have already been reserved and as per the said reservation, persons have been selected and appointed, the learned Additional Advocate General contended.

6. Since the only ground raised by the petitioner that since there has been no reservation for differently abled persons in the post of Noon Meal Worker in the district of Cuddalore, cannot be sustained in view of the factual matrix now projected by the learned Additional Advocate General that all the 8 posts reserved for differently abled persons have already been filled up, the said ground does not stand in the legal scrutiny. Therefore, on that ground the appointment given by the first respondent through the impugned order to the third respondent cannot be successfully challenged by the petitioner.

7. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

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Index : Yes/No
Internet : Yes/No
KST

To



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R. SURESH KUMAR, J.

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