



W.P.No.33534 of 2018 & W.P.No.18026 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33534 of 2018 & W.P.No.18026 of 2019
and W.M.P.Nos.17425, 17427 & 27441 of 2019

W.P.No.33534 of 2018

S.Mythili

...Petitioner

Vs.

1.The Commissioner of Social Welfare,
Chepauk, Chennai – 600 005.

2.The District Collector,
Dharmapuri District,
Dharmapuri.

3.The Block Development Officer,
Pennakaram, Pennakaram Taluk,
Dharmapuri District.

4.The Commissioner,
Dharmapuri District Panchayat Union,
Dharmapuri.

5.S.Sudha

Respondents



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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his proceedings in Na.Ka.No.1521/2016/XI dated 13.11.2017 quash the same and consequently direct the respondents to appoint the petitioner as noon meal organiser in Government Primary school Sandipettai, Pennagaram Taluk, Dharmapuri District.

For Petitioner : Mr.SP.Yuvaraj

For Respondents : Mr.V.Arun
Additional Advocate General

assisted by
Mrs.S.Mythreye Chandru
Special Government Pleader
for R1, R2 a& R4

Mr.N.Senthilkumar for R3

Mr.R.Nandhini
for Mr.R.Gopinath for R5

W.P.No.18026 of 2019



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...Petitioner

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Vs.

1.The Commissioner,
Social Welfare and Noon Meeal,
Chepauk,
Chennai – 600 005.

2.The District Collector,
Dharmapuri District,
Dharmapuri.

3.The Block Development Officer,
Pennakaram Taluk,
Dharmapuri District.

4.The Commissioner,
Pennakaram Panchayat Union,
Pennakaram Taluk,
Dharmapuri District.

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records culminating in the impugned order dated 20/06/2019 made in Na.Ka.No.257/2019 / X1 passed by the 2nd respondent and quash the same.

For Petitioner

: Mr.R.Nandhini
for Mr.R.Gopinath



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For Respondents

: Mr.V.Arun
Additional Advocate General

assisted by
Mrs.S.Mythreye Chandru
Special Government Pleader
for R1, R2 a& R4

Mr.N.Senthilkumar for R3

ORDER

W.P.No.18026 of 2019 has been filed by the petitioner Smt.S.Sudha to quash the validity of the cancellation of appointment made in proceedings dated 20.06.2019.

2.Pursuant to the interim order granted by this Court the writ petitioner Smt.S.Sudha, is continuing in the post of Noon Meal Organiser.

3.The other writ petition filed in W.P.No.33534 of 2018 has been filed by Smt.S.Mythili questioning the appointment order of the 5th respondent in the said writ petition Smt.S.Sudha. Both the writ petitions are taken up together for hearing.



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4.Pursuant to the recruitment notification issued for selection and appointment to the post of Noon Meal Organizer, number of candidates participated in the process including both the petitioners in two writ petitions. The Interview Committee assessed the candidates and accordingly, awarded marks and consequently, Smt.S.Sudha, W/o.Perumal, was appointed as Noon Meal Organizer at Pennagaram Panchayat Union. The said appointment was cancelled by the District Collector, Dharmapuri on the ground that the petitioner Smt.S.Sudha was not qualified and the order of appointment was issued erroneously. The appointment order was challenged by Smt.S.Mythili, who had also participated in the process of selection and secured higher marks.

5.This Court directed the authorities to verify the eligibility of all the candidates who participated in the process of selection. Pursuant to the directions, The Commissioner, Pennagaram Panchayat Union, issued notice to the candidates concerned and conducted measurement regarding the distance between the centre and the residences of the respective candidates. Accordingly, the report was submitted and as per the report, the writ petitioner in W.P.No.33534 of 2019



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Smt.S.Mythili, W/o.Late.Dhanraj, is residing at the distance of 3.79 Km from the centre. Smt.S.Sudha, petitioner in W.P.No.18026 of 2019 is residing at the distance of 3.66 Km from the centre. Thus, the learned Additional Advocate General brought to the notice of this Court that both the candidates are not residing within the permissible radius and therefore, they became ineligible for selection as per the Government Order issued in G.O.Ms.No.163.

6.Beyond the distance criteria as stipulated in the guidelines issued by the Government, the learned Additional Advocate General submitted a copy of the Mark Statement awarded by the Selection Committee with reference to the interview held on 13.07.2017. As per the mark statement, Smt.S.Sudha scored 39 marks in the interview. Smt.S.Mythili scored 37 marks. Totally 45 candidates participated in the process of selection and perusal of the entire mark statement reveals that one Smt.P.Kokila, W/o.Palanisamy scored 40 marks which is the highest mark in the entire process of selection. Thus, even as per the mark statement, both the petitioners are not eligible for appointment to the post of Noon Meal Organizer. The respondents are unable to explain why the highest scorer Smt.P.Kokila was not selected.



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7.The learned Additional Advocate General made a submission that the appointment order issued to Smt.S.Sudha, which is under challenge in W.P.No.18026 of 2019, was cancelled only for the purpose of appointing the highest scorer Smt.P.Kokila. Since an interim was order granted in the writ petition by this Court, no further appointment order was issued in favour of the said Smt.P.Kokila.

8.Considering the facts and circumstances, this Court is of the considered opinion that both the writ petitioner Smt.S.Mythili and the 5th respondent Smt.S.Sudha became not eligible for appointment to the post of Noon Meal Organizer at Panchayat Union Elementary School, Sandipettai, Pennagaram Panchayat Union. Since, both the petitioners became ineligible and not fulfilled with the eligibility criteria as contemplated in the Government Order, the respondents are bound to consider the case of the highest scorer, who is eligible otherwise for selection and appointment to the post of Noon Meal Organiser.



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9. Accordingly, both the writ petitions filed in W.P.No.33534 of 2018 and W.P.No.18026 of 2019 are dismissed. The respondents are directed to consider the case of the highest scorer only after verifying her eligibility with reference to the distance criteria and accordingly, issue appropriate orders, as expeditiously as possible. No Costs. Consequently, connected miscellaneous petitions are closed.

03.11.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

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- 4.The Commissioner,
Pennakaram Panchayat Union,
Pennakaram Taluk,
Dharmapuri District.
- 5.The Commissioner,
Dharmapuri District Panchayat Union,
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S.M.SUBRAMANIAM, J.

SSR

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