



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.A(MD)No.161 of 2011

in

W.P(MD)No.9471 of 2009

C.Jayalakshmi ... Appellant / Petitioner
-Vs-

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner,
Kottampatti Panchayat Union,
Kottampatti, Madurai District.

3.R.Megala Devi ... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying this Court to set aside the order dated 14.09.2010 made in W.P(MD)No.9471 of 2009.

Prayer in WP(MD). 9471 OF 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To direct the 1st and 2nd respondents to cancel the appointment of 3rd respondent as Noon Meal Organizer in Government Boys Higher Secondary School, Karunkalagudi and consequently appoint the petitioner in the said post by the issuance of Writ of Mandamus.

For Appellant : Mr.M.Suresh Kumar
For R1 and R2 : Mr.D.Gandhiraj,
Special Government Pleader.
For R3 : MR.M.V.Venkatasesan

JUDGMENT

[Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**]

Aggrieved by the order dated 14.09.2010 made in W.P(MD) No.9471 of 2009, the petitioner is on appeal.

<https://hservices.courts.gov.in/hservices/>



2.The appellant challenges the appointment of the third respondent as Noon-Meal Organizer. The second respondent called for applications for filling up the post of Noon-Meal Organizer in the Panchayat Union. The appellant along with the third respondent had applied for the said post. The third respondent was eventually appointed. The appellant challenged the said appointment, contending that the third respondent is not a resident of the village and that the third respondent being the wife of the then Panchayat President has been favoured with the appointment. The claim was denied by the respondents and this Court had dismissed the said Writ Petition by a common order dated 14.09.2010.

3.After referring various decisions on the suitability of persons belonging to the same village, this Court had come to the conclusion that appointment cannot be challenged on the ground that the appointee is far away from the village or does not belong to the village, as only preference is given to the local residents. In fact, there is no reference in this regard. The claim that the third respondent was preferred over the appellant, because she is the wife of the then Panchayat President, was also rejected by this Court.

4.Mr.M.Suresh Kumar, learned counsel appearing for the appellant would vehemently contended that the learned Single Judge was not right in ignoring the claim of the appellant on the ground that she is the resident of the village, whereas the third respondent is not.

5.We are unable to countenance the contention of the learned counsel appearing for the appellant inasmuch as this Court had found that the prevailing rules give only preference to the persons, who are residents of the same village and no reservation or exclusive right is given to them in appointment of the Noon-Meal Organizer. This being the legal position, we do not think that we can fault the learned Single Judge having dismissed the Writ Petition. Hence, the Writ Appeal fails and is accordingly, dismissed. No Costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Myr



To

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner,
Kottampatti Panchayat Union,
Kottampatti, Madurai District.

JUDGMENT MADE IN
W.A(MD)No.161 of 2011
16.02.2022

NSN(CO)
GC(28.02.2022) 3P 3C