



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2022

CORAM:

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

**W.A (MD) No.491 of 2011
and
M.P (MD) No.1 of 2011**

K.Selvalakshmi

:Appellant/Petitioner

.vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Personal Assistant to Collector,
Collector's Office,
Tirunelveli.

3.The Commissioner,
Kuruvikulam Panchayat Union,
Tirunelveli District.

4.S.Sahayamari

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 14.09.2010 made in W.P(MD)No.7502 of 2010.

Prayer in WP(MD). 7502/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus or any Writ or order or Direction in the nature of a Writ calling for the records pertaining to the impugned order in Gna9/50460/2008 dated 20/04/2010 issued by the 1st respondent and quash the same concerned with the appointment of the 4th respondent and direct the 1 to 3 respondents to consider and appoint the petitioner for the post of organizer of Noon Meal Scheme at Panchayat Union Primary School of Kasilingapuram village, Sankarankoil Taluk, Tirunelveli District as per the judgment made in W.P.MD.No.10548 of 2008 dated 15.09.2009 and G.O.Ms.No.203 dated 19.08.2005.



For Appellant
For R-1 & R-2

For R-3

:Mr.K.K.Kannan
:Mr.V.Nirmal Kumar,
Government Advocate
:No Appearance

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JUDGMENT

R. SUBRAMANIAN, J.

AND

N. SATHISH KUMAR , J.

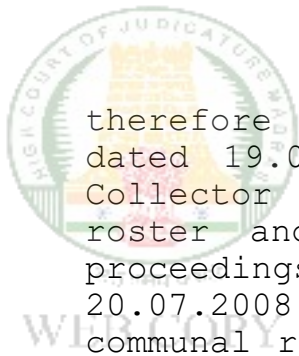
The petitioner in W.P(MD)No.7502 of 2010 challenges the dismissal of her writ petition along with a batch of cases, on the ground that the Writ Court has not considered her specific case that the Post in question namely the Noon Meal Organizer at the Panchayat Union Elementary School, Kasilingapuram, was reserved for Most Backward Class community and hence, the appointment of the fourth respondent, who is a Backward Class Christian, to the said Post is not valid.

2. No doubt, the writ Court has disposed of the writ petition along with a batch of similar cases wherein the main ground of challenge was relating to the domicile of the appointees. The appellant/ petitioner relied upon the notification said to have been issued by the District Collector, Tirunelveli on 19.02.2009, to contend that the Post of Noon Meal Organizer at Panchayat Union Elementary School, Kasilingapuram, was reserved for Most Backward Class community. The respondents would claim that the said Post was not reserved for Most Backward Class community, it was reserved for Backward Class Christians in the proceedings of the District Collector, dated 20.07.2008. Since there was uncertainty regarding the claim, we had directed the learned Government Advocate to produce the entire original records.

3. The entire original records relating to the recruitment of Noon Meal Organizer has been placed before us. We find that the proceedings of the District Collector, Tirunelveli, dated 20.07.2008 bearing Reference No.N9/50460/2008, show that this particular Post namely the Post of Noon Meal Organizer in Panchayat Union Elementary School, Kasilingapuram, is reserved for Backward Class Christians.

4. The appellant / writ petitioner has produced the proceedings issued by the District Collector bearing the very same number dated 19.02.2009, which shows that the said Post has been reserved for Most Backward Class community.

5. The original notification dated 19.02.2009 has been produced before us by the respondents. The said notification does not contain the reservation roster. It only contains the details of the Post and certain conditions for recruitment to the said Post. It is



therefore clear that the proceedings in Reference No.N9/50460/2008, dated 19.02.2009, issued by Thiru.G.Prakash, I.A.S., as District Collector of Tirunelveli District, does not contain the communal roster and the roster that was followed is contained in the proceedings of the District Collector, Tirunelveli, dated 20.07.2008. The fourth respondent satisfies the requirement of the communal roster as she is Backward Class Christian. Therefore, we do not see any merit in this appeal and therefore, the writ appeal fails and is accordingly dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

pm

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Personal Assistant to Collector,
Collector's Office,
Tirunelveli.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-15456[F] dated 30/03/2022)

+1 CC to M/s.SPL GP (SR-15709[F] dated 31/03/2022)

W.A(MD)No.491 of 2011
30.03.2022

SE (CO)
KB(07.04.2022) 3P 5C