



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P (MD) No.6337 of 2020

and

W.M.P (MD) Nos.5569, 5570, 7197 and 7198 of 2020

Jawahar National Middle School,
Represented through its Correspondent,
Salaipudur Village,
Kalakkad, Valliyoor,
Tirunelveli District.

... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Commissioner,
Valliyoor Panchayat Union,
Valliyoor, Tirunelveli.

3.Aruna

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus, to call for the records relating to the impugned order of the second respondent in A6/1567/2019, dated 23.03.2020 and quash the same and consequently, direct the first respondent to notify the vacancy of noon meal organiser post in the petitioner school and follow the procedures for appointment as contemplated in G.O.Ms.No.4of the Social Welfare and Nutritious Meal Programme (NMP-1) Department dated 06.01.2011.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.S.Saji Bino,
No.1 Special Government Pleader

For Respondent : No representation
Nos.2 and 3



ORDER

This writ petition has been filed challenging the transfer of the third respondent, a Noon Meal Organiser to the petitioner school from another school.

2.The learned Counsel for the petitioner submits that though several grounds are raised in this writ petition, the impugned order transferring the third respondent to the petitioner institution is not legally sustainable in view of the government order in G.O.Ms.No.4 of the Social Welfare (NMP-1) Department dated 06.01.2011 and in view of the orders passed by a Division Bench of this Court in W.A.Nos.792 of 2015, etc., batch, dated 22.03.2017.

3.The learned Special Government Pleader appearing for the respondents submits that though this writ petition is filed by the petitioner Management challenging the transfer of the third respondent, she has subsequently joined in the transferred post and she is now working in the third respondent institution and therefore, nothing survives in this writ petition.

4.Though the petitioner has raised several legal issues in respect of the right of the minority institutions in appointing the Noon Meal Organisers, the fact remains vide impugned order the third respondent has been transferred from another institution to the petitioner's institution and according to the learned Special Government Pleader, the third respondent has subsequently joined in the petitioner's institution

5.The government order in G.O.Ms.No.4 Social Welfare (NMP-1) Department, dated 06.01.2011 deals with the procedures for appointing a Cook or Noon Meal Organiser in a minority institution. This Government Order was also upheld by this Court in W.A.Nos.792 of 2015, etc., batch, dated 22.03.2017. The order impugned in this writ petition is a transfer order made on administrative grounds and the Government Order in G.O.Ms. No.4 dated 06.01.2011 is not applicable for the appointment of cook and for transfer.

6.The noon meal scheme is being implemented with the main object of providing nutritious meal to the students by government's sponsorship. The petitioner institution only provides space for the noon meal centre. In respect of appointment in the minority institution, the government has taken a policy decision to get views of the institution, with an object that such institution shall have control over these cooks and organisers to ensure that the quality, healthy and hygienic food is being provided to the students. This G.O(MS)No.4 does not deal with transferring a suitable person to a particular place on administrative reasons. If the petitioner has any concern over the quality of the food being provided in their



school, he can always make complaint to the higher officials concerned. Therefore the petitioner shall in no way be aggrieved over the orders of the transfer of a noon meal organiser on administrative grounds.

7. In view of the above discussion this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

dsk

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Commissioner,
Valliyoar Panchayat Union,
Valliyoar, Tirunelveli.

+1 CC to M/s.SPL.GP (SR-2392[F] dated 25/01/2022)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-2327[F] dated 25/01/2022)

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24.01.2022

nsn(CO)

TR(16.03.2022) 3P 5C