



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.01.2022

CORAM:

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

W.P (MD)No.7157 of 2020

and

W.M.P (MD)Nos.6594 and 6596 of 2020

Hindu Middle School,
[A Minority Institution],
Represented through its Manager and Secretary,
Mavadi Village,
Tirunelveli District.

... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Block Development,
Cheranmahadevi Union,
Cheranmahadevi,
Tirunelveli.

3.R.Vijil Shiba

... 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 first respondent in Na.Ka.No.Gna9/5754/2020, dated 30.03.2020 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.4 of the Social Welfare and Nutritious Meal Programme (NMP-1) Department dated 06.01.2011.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.S.Saji Bino,
Nos.1 & 2 Special Government Pleader

For Respondent : No representation
No.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 the impugned order transferring the third respondent, being a Noon Meal Organiser 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 Counsel further alleges that in order to curtail the right of the petitioner institution in appointing the Noon Meal Organiser, the third respondent has been transferred and further, in order to facilitate the another institution for appointing a new person, the present transfer order came to be passed.

4.The learned Special Government Pleader appearing for the respondent submits that based on the request of the third respondent, the first respondent District Collector, has transferred her from Hindu Middle School, Mavadi, Kalakad Panchayat Union, to the petitioner's institution.

5.The petitioner has raised several legal issues in respect of the right of the minority institutions in appointing the Noon Meal Organisers, however, the fact remains vide impugned order the third respondent has been transferred from another institution to the petitioner's institution, that too on her request.

6.Though the petitioner made certain allegations against the respondents by referring G.O.Ms.No.4 of the Social Welfare (NMP-1) Department dated 06.01.2011, there is no prohibition or bar for the appointing authority/ District Collector to transfer the Noon Meal Organisers from one minority institution to another minority institution. Therefore, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition stands dismissed. However, the petitioner is at liberty to revive this petition, if any other person is appointed in the previous place of the third respondent. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

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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 Block Development,
Cheranmahadevi Union, Cheranmahadevi,
Tirunelveli.

+1 CC to M/s.SPL.GP (SR-2402[F] dated 25/01/2022)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-2326[F] dated 25/01/2022)

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24.01.2022

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