



W.P.No.16243 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.16243 of 2013
and WM.P.No.21589 of 2018

Ranjani

... Petitioner

Vs

1. The District Collector,
Namakkal District,
Namakkal.
2. The Joint Director, (ic) (Medical Services),
Namakkal.
3. The Personal Asst. (Noon Meal)
to District Collector,
Collectorate, Namakkal.
4. The Block Development Officer,
Sendhamangalam Panchayat Union,
Namakkal District.

....Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in N.K.No.11214/2012/Sa.Vu.Thi-1 dated 22.05.2013 passed by the first respondent and quash the same, consequentially direct the first respondent to reinstate the petitioner in service as Noon-Meal



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Organizer with all benefits and continuity of service, within a reasonable period to be fixed by this Hon'ble Court.

For Petitioner : Mr.Mohamed Yaqoob Kafeel
for Mr.D.R.Arun Kumar

For Respondents : Mr.T.M.Rajangam,
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the first respondent, thereby cancelled the order of appointment of the petitioner to the post of Noon Meal Organizer.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

3. The petitioner was appointed as a Noon Meal Organizer by the proceeding dated 29.07.2012, based on the disability certificate produced by the petitioner. She was appointed and posted to the Panchayat Elementary School at Karipappanur in Sendhamangalam Panchayat Union, within the jurisdiction of the fourth respondent herein. On the complaint received by the first respondent with regard to the disability certificate produced by the petitioner, an enquiry was conducted by the second respondent. On enquiry, the



petitioner appeared and the second respondent assessed the percentage of disability as 25% only. Accordingly, the second respondent submitted a report dated 21.01.2013. On receipt of the said report, the petitioner was issued a show cause notice and she was given an opportunity to explain. She also submitted an explanation. However, without satisfying the explanation submitted by the petitioner, the first respondent cancelled her appointment as Noon Meal Organizer and removed her from service with immediate effect.

4. Admittedly, the petitioner was not assessed with her disability by the Medical Board consisting of three members. Therefore, so many complaints had received and the first respondent ordered for enquiry by the second respondent. Thereafter, the petitioner was subjected for medical examination and found that she had only 25% of disability. Therefore, the ground raised by the petitioner that as per Rule 4 of the Tamil Nadu Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rule, 2002, the locomotor disability is concerned, the competent authority has to issue Disability Certificate is any Medical Practitioner working in the Hospitals/Institutions/Primary Health Centres run by Government cannot be concerned. However, the disability should be assessed only by the Medical



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Board consisting Three Doctors Committee.

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5. Therefore, the first respondent had rightly cancelled her appointment and this Court finds no infirmity or illegality in the order passed by the first respondent in N.K.No.11214/2012/Sa.Vu.Thi-1 dated 22.05.2013 and this writ petition is devoid of merits and is liable to be dismissed. However, the petitioner is at liberty to approach the first respondent, subject to the result of the appeal filed by her.

6. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

07.08.2023

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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To

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3. The Personal Asst. (Noon Meal)
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G.K.ILANTHIRAIYAN. J.



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