



W.P.No.26493 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	19/10/2023
Pronounced on	22/11/2023

C O R A M

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

W.P.No.26493 of 2009

S. Padmavathy ... Petitioner

Vs

1. The Collector
Villupuram
Villupuram District.

2. The Block Development Officer
(Block Panchayat)
Vikkiravandi Panchayat Union
Vikkiravandi
Villupuram District.

3. Savithri ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of certiorarified mandamus to call for the records relating to the impugned order of the first respondent in SeMu.Na.Ka.Pa.E4/9142/2008 dated 22/9/2009 and the consequential order of the second respondent in Na.Ka.No.A5/2974/2009 dated 13/10/2009 and



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quash the same and direct the respondents 1 and 2 to appoint the petitioner as Noon Meal Organiser and grant her all consequential benefits.

For Petitioner	...	Mr.P.Rajendran
For respondents	...	Ms.C.Sangamithirai Special Government Pleader
		Mr.P.Chinnadurai for R.2.
		Mr.A.Sivaji for R.3

ORDER

This writ petition is filed seeking for a direction to set aside the proceeding of the first respondent dated 22/9/2009 in Se.Mu.Na.Ka.Pa.E4/9142/2008 and a consequential order of the second respondent dated 13/10/2009 vide proceeding in Na.Ka.No.A5/2974/2009 and appoint the petitioner as Noon Meal Organiser.

2. The contents of the affidavit in brief are that the petitioner is a resident of Vikkiravandi Village, Villupuram District and applied to the post of Noon Meal Organiser at Noon Meal Centre Panchayat Union Elementary School of Vikkiravandi Panchayat Union, where the petitioner has been residing. The petitioner is a Destitute Widow. Her husband died in the year



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2008 leaving behind the petitioner and three daughters, aged about 14, 12 and 8 respectively. The petitioner has been struggling to eke out her livelihood without any source of income.

3. The petitioner has applied for the post of Noon Meal Organiser under preferential category of Destitute Widow. The Noon Meal Organiser have to be appointed from the residents of the same hamlet where vacancies were available and when suitable candidate is not available, the persons from neighbouring villages can also be considered. The petitioner belong to Backward Class Community, thereby preference has to be given to the petitioner on the basis of her Community and also she is a Destitute Widow.

4. The Collector, Villupuram District/first respondent vide Proceeding No.Se.Mu.Na.Ka.Pa.E4/9142/2008 dated 22/9/2009 appointed Savithri/third respondent, a resident of Aasur Village as Noon Meal Organiser at the Panchayat Union Elementary School, Keezhkondhai. Accordingly, consequential orders were issued by the second respondent. Since the appointment of third respondent is in violation of G.O.Ms.No.203 Social Welfare and Nutritious Meal Programme Department, dated 19/8/2005, the petitioner has sought for the relief as stated supra.



5. On behalf of the Block Development Officer, Vikkiravandi Panchayat Union, Villupuram District, The Commissioner, Panchayat Union, Vikravandi, has filed a counter affidavit, stating that the appointment of third respondent is made as per the Rules and on merits. The husband of the third respondent is working as a Driver in a textile shop as a daily wage employee. While advertising, it was mentioned that the post of Noon Meal Organiser is only a general vacancy and third respondent being a resident of Aasur, was appointed to the post of Noon Meal Organiser.

6. Heard Mr.P.Rajendran, learned counsel for the petitioner, Ms.C.Sangamithirai, learned Special Government Pleader for the first respondent, Mr.P.Chinnadurai, learned counsel for the second respondent and Mr.A.Sivaji, learned counsel for the third respondent.

7. Perused the materials available on record.

8. Admittedly, the petitioner has applied for Noon Meal Organiser at the Noon Meal Centre at Panchayat Union Elementary School, Keezhkondhai in Vikkiravandi Panchayat Union. However, she could not be selected. According to the official respondents, post advertised in respect



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of Panchayat Union Elementary School, Keezhkondhai, is not reserved either for Backward Class or for Destitute Widows. It was Open Category vacancy. Once the post advertised is in Open Category, the petitioner cannot claim any preferential treatment in the appointment for the post of Noon Meal Organiser. Therefore, in this count, the impugned proceeding cannot be set aside.

9. The other ground on which the petitioner has sought for interfering with the proceeding of the official respondents is that the petitioner is a resident of Vikiravandi, whereas the third respondent is the resident of Aasur Village.

10. It is submitted by the learned counsel for the petitioner that since the Noon Meal Organiser post is advertised for Panchayat Union Elementary School of Vikiravandi Village, Villupuram District, the name of the petitioner should have been preferred than the third respondent.

11. The petitioner herself has mentioned in the affidavit that in case, if any eligible candidates are not available in the Village, where vacancy arose, any person belonging to any Village, within the radius of 10 kms can



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be appointed. According to the second respondent's counter affidavit, the petitioner may not be given a preferential treatment than that of the third respondent and the third respondent was appointed only on the basis of merit.

12. On a bare perusal of the addresses, it is clear that Meal Care Centre is in Vikravandi Panchayat Union. The third respondent is a resident of Aasur Village of Vikravandi Panchayat Union i.e., both the petitioner and third respondent are the residents of Vikravandi Panchayat Union. Therefore, on the face of it there are no ground to disqualify third respondent, thereby, on this count also, the contents of the petitioner, cannot be accepted. Further, the post of Noon Meal Organiser is not a permanent one. The said post is created on the basis of the Scheme floated by the Government, in order to provide balanced nutritious diet to the children studying in the School.

13. The petitioner has challenged the appointment of third respondent which took place in the year 2009. This petition came up for disposal before this Court in the year 2023, i.e., after 14 years. Learned counsel appearing for the official respondents, submitted that the new Scheme was introduced



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by the present Government for providing nutritious food to the children in the School, including breakfast. Therefore, at this stage, even if positive orders are passed in favour of the petitioner, it may not serve the purpose. It is also not clear as to whether the Noon Meal Centre is still being continued in Panchayat Union Elementary School, Keezhkondhai in which the petitioner has filed the application.

14. On a perusal of the counter affidavit of the second respondent, it is stated that in case of any future vacancy arises in a similar Scheme, the petitioner will be called for an interview, subject to the eligibility and the same is recorded.

15. In view of the above, this **writ petition is disposed of**, directing the first and second respondents to consider the petitioner's candidature for the post of Noon Meal Organiser, in case, if the petitioner is eligible in any future vacancy. No costs.

22/11/2023

mvs.

Index: Yes/No

NCC: Yes/No



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To

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2. The Block Development Officer
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Vikkiravandi Panchayat Union
Vikkiravandi
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Dr.D.NAGARJUN,J

mvs.

Pre-delivery order made in
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