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W.P.No.26608 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.26608 of 2010
and M.P.Nos. 1 & 2 of 2010

The Aided Elementary School,
Sengalmedu,
Represented by its Secretary,
C.Thirugnanasambandam,
Keerapalayam Panchayat Union,
Chidambaram Taluk 608 305.
Cuddalore District.

...Petitioner

VS.

- 1.The District Collector,
Cuddalore,
Cuddalore District.
- 2.The Block Development Officer,
Keerapalayam,
Chidambaram Taluk,
Cuddalore District.

3.M.Valliammai

... Respondents

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of



W.P.No.26608 of 2010

the 1st respondent dated 29.09.2010 in Na.Ka.No.A4/1009/09 and the posting order issued by the 2nd respondent vide Na.Ka.pd1/10868/09 dated 23.09.2010 pertaining to the appointment of the 3rd respondent as Noon Meal Cook in the petitioner's school and quash the same as illegal and direct the 1st respondent to grant approval to the proposal dated 06.07.2010 for appointing the candidate selected by the School Committee for the post of Noon Meal Cook and pass such further orders.

For Petitioner : Ms.A.Arulmozhi
For R1 : Mr.Arun
Additional Advocate General
Assisted by Mr.R.Neethi Perumal
Government Advocate
For R2 : Mr.S.Nedunchezhiyan
For R3 : Served – No appearance

ORDER

This Writ petition has been filed challenging the order of appointment of the 3rd respondent as Cook in the Noon Meal Centre that is being run in the petitioner's school and to direct the 1st respondent to grant approval to the proposal sent by the petitioner for appointing the candidate selected by the School Committee for the post of Noon Meal Cook.

2. Heard Ms.A.Arulmozhi learned counsel for the petitioner and



W.P.No.26608 of 2010

Mr.Arun, learned Additional Advocate General assisted by Mr.R.Neethi Perumal, learned Government Advocate on behalf of the 1st respondent and Mr.S.Neduchezhiyan, learned counsel appearing on behalf of the 2nd respondent.

3. Ms.A.Arulmozhi, learned counsel appearing for the petitioner would submit that the Government had taken a policy decision to extend the Noon Meal Scheme Programme even to the Government aided institutions. The petitioner being one of the Government aided school was also providing the Scheme that has been extended to. Under the G.O.Ms.No.918 Backward Classes Welfare, Nutritious Meal Programme and Social Welfare Department, dated 03.11.1989 procedure had been prescribed for the appointment of Noon Meal Scheme workers in the Government aided schools. According to her, one K.Vasanth was working as Noon Meal Cook in the petitioner's school who had retired from service on 30.06.2010. Therefore, the school Committee had called for applications from eligible candidates to send proposal to the Government for appointment in consonance with the aforesaid Government order. One



W.P.No.26608 of 2010

Mrs.R.Vaijayanthimala was selected from the applicants who had submitted their applications and a proposal dated 06.07.2010 was sent to the 1st respondent. However, without considering the proposal sent to the 1st respondent, the 3rd respondent was appointed. Challenging the same, the present Writ Petition has been filed.

4. She would heavily rely upon the judgment of Division Bench of this Court made in ***W.A.(MD).No.125 of 2005*** and other cases, dated 05.10.2007 and would contend that the Division Bench had specifically directed that the subsequent amendments made to G.O.Ms.No.918 does not take away the procedure laid down in G.O.Ms.No.918 and therefore, she would submit that the procedure in which the 3rd respondent was appointed is a nonest procedure. Therefore, she would pray this Court to set aside the order impugned in this Writ Petition and to direct the 1st respondent to grant approval to the proposal sent by the petitioner for appointing the candidate selected by the School Committee for the post of Noon Meal Cook.

5. Countering her arguments, Mr.Arun, learned Additional Advocate



W.P.No.26608 of 2010

General appearing on behalf of the 1st respondent would submit that during the pendency of this Writ Petition, the Government had issued a further Government Order in G.O.Ms.No.4 Social Welfare, Nutritious Meal Programme and Social Welfare Department, dated 06.01.2011 and would submit that the procedure for appointment under G.O.Ms.No.918 contemplated had been superseded under the said Government order. He would submit that the present appointment had been made based upon the procedures that was available at that point of time and would further submit that the 3rd respondent had been working in the petitioner's institution for almost 13 years and now her appointment at the present stage should not be disturbed. He would further submit that the procedure laid down in the G.O.Ms.No.4 is being adopted till date.

6. I have considered the rival submissions made by the learned counsels appearing for their respective parties and perused the materials available on record before this Court.

7. Taking into consideration that the 3rd respondent has been



W.P.No.26608 of 2010

appointed as early as in the year 2010 and she continued to be in service of the petitioner's school. I had raised a query to the learned counsel for the petitioner that whether they are still wanting to unseat the 3rd respondent. To such a query, she would submit that she has instructions that they are not wanting to unseat the 3rd respondent. But, however, would contend that there are future vacancies in which the procedure to be followed.

8. As pointed out by the learned Additional Advocate General, The Government had revisited the procedure of appointment contemplated under G.O.Ms.No.918, dated 03.11.1989 and had issued a fresh Government order in G.O.Ms.No.4, dated 06.01.2011. In view of the change of procedure for appointment of workers under the Noon Meal Scheme Programme which had come into effect from 06.01.2011 and also the statement made by the learned counsel for the petitioner as regards the continuation of the 3rd respondent in their school, I find that there will be no useful purpose in continuing to resolve the lis raised in this Writ Petition.

9. It is made clear that any future appointments to be made in the



W.P.No.26608 of 2010

petitioner's institution as also any other Government aided institutions both minority and non minority, the Government shall follow the procedure contemplated under G.O.Ms.No.4, Social Welfare, Nutritious Meal Programme and Social Welfare Department, dated 06.01.2011 in its true letter and spirit.

10. With the aforesaid directions, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

29.11.2023

gba
Index : Yes/No
Speaking order : Yes/No
Neutral Citation : Yes/No.

To

1.The District Collector,
Cuddalore,

7/9



W.P.No.26608 of 2010

Cuddalore District.

2. The Block Development Officer,
Keerapalayam,
Chidambaram Taluk,
Cuddalore District.

K.KUMARESH BABU, J.

GBA

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