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W.P.No.27538 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.27538 of 2011
and M.P.Nos.1 & 2 of 2011

K.Balachandran

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Social Welfare and Nutritious Meals Scheme Dept,
Secretariat,
Chennai – 9.

2.The District Collector,
Villupuram District,
Villupuram.

3.Thirumurugan Aided Middle School,
Rep by its Manager,
Madhavachery – 606 207,
Kallkurichi Block,
Villupuram District.

4.The Block Development Officer,
Kallakurichi Block,
Villupuram District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records on the file of the first respondent in connection with the order passed by him in G.O (Ms) No.163, Social Welfare and Nutritious Meal (Sa.U.Thi 2) Department, dated 18.08.2010 and quash the same to the extent of providing 100% reservation for women and direct the respondents to fill up the post of Noon Meal Organiser and other posts under the Nutritious Meals Scheme by following the Rule of Reservation providing under Rule 22 of the Tamil Nadu State and Subordinate Service Rules.

For Petitioner : Mr.R.Singgaravelan,
Senior Counsel

For Respondents 1 to 4 : Mr.S.Ravikumar,
Special Government Pleader

ORDER

The petitioner has filed this petition to call for the records on the file of the first respondent in connection with the order passed by him in G.O (Ms)



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No.163, Social Welfare and Nutritious Meal (Sa.U.Thi 2) Department, dated 18.08.2010 and quash the same to the extent of providing 100% reservation for women and direct the respondents to fill up the post of Noon Meal Organiser and other posts under the Nutritious Meals Scheme by following the Rule of Reservation providing under Rule 22 of the Tamil Nadu State and Subordinate Service Rules.

2. The case of the petitioner is that the petitioner viz., K.Balachandran has passed ITI in Tuner Trade in the year 1989 and registered his name in the office of the District Employment Office, Villupuram. Being a physically handicapped person and belongs to the Most Backward Community, the petitioner applied for the post of Noon Meal Organizer from the year 1993 onwards in the third respondent school, however, he was not selected. This being so, the first respondent has issued an order in G.O.Ms.No.163 dated 18.08.2010, stating that only women candidates are eligible for the appointment under the Nutritious Meals Scheme. Challenging the said order dated 18.08.2010, the petitioner has come forward with the present writ petition.



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3. Though very many grounds have been raised in this Writ Petition, learned senior counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents 2 and 3 to consider the representation, which will be given by the petitioner and pass orders on merits and in accordance with law, within a particular time frame to be fixed by this Court.

4. The learned Special Government Pleader appearing for the respondents has no objection for the said order being passed.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. Taking into consideration the factual aspects of the matter and without going into the merits of the case, this Court issues the following directions:

(i) the petitioner is directed to give a representation before the 2 and 3



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respondents, within a period of two weeks from today.

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(ii) on receipt of the said representation, respondents 2 and 3 are directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of six weeks thereafter.

7. With the above observation and direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

13.06.2023

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Index : Yes/No

Speaking Order : Yes/No

To:

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Social Welfare and Nutritious Meals Scheme Dept,

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Secretariat,
Chennai – 9.

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2.The District Collector,
Villupuram District,
Villupuram.

3.The Manager,
Thirumurugan Aided Middle School,
Madhavachery – 606 207,
Kallkurichi Block,
Villupuram District.

4.The Block Development Officer,
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J.SATHYA NARAYANA PRASAD,J.

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