



W.P.No.32809 of 2016

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.32809 of 2016

and

W.M.P.No.28363 of 2016

Mahalakshmi

... Petitioner

Vs.

1.The Secretary to Government,
Social Welfare and Nutritious Meals
Programme Department,
St. Fort George, Secretariat,
Chennai – 600 009.

2.The District Collector,
Thiruvannamalai District.

3.The Commissioner,
Peranamallur Panchayat Union,
Thiruvannamalai District.

4.Kalaiarasi

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first to third respondents to cancel the appointment of the fourth respondent as Noon Meals Organizer at Vayalur Village Panchayat Elementary School and appoint the petitioner as the Noon



W.P.No.32809 of 2016

Meals Organizer at Vayalur Village Panchayat Elementary School since she belonged to below poverty line.

For Petitioner : Mr.R.Karunakaran
For Respondents :
For R1 and R2 : Mr.T.Chezhian
Additional Government Pleader
For R3 : Mr.V.Ponnuthurai
For R4 : Mr.R.Rajendra Narasimman

ORDER

The petitioner has filed the present writ petition to issue a Writ of Mandamus, to direct the first to third respondents to set aside the appointment of the fourth respondent as Noon Meal Organizer and to appoint the petitioner in her place at Vayalur Village Panchayat Elementary School, Chetpet Taluk, Thiruvannamalai District.

2. The petitioner's grievance is that she comes within below poverty line and also belonging to the MBC, being fully competent to be appointed to the post of Noon Meal Organizer, she made an application. However, the fourth respondent was considered favourably, over the petitioner.

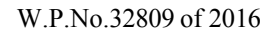


W.P.No.32809 of 2016

WEB COPY 3. It is the case of the petitioner that the fourth respondent's family has landed property and the economic status of the petitioner is far below that of the fourth respondent and consequently, the petitioner ought to have been appointed.

4. The fourth respondent has filed a counter affidavit along with a typed set of papers. According to the fourth respondent, she was fully competent and the allegations made by the petitioner against the fourth respondent are absolutely false and baseless and her appointment was regular and following all rules and regulations and therefore, the same cannot be set aside.

5. The third respondent has filed a counter affidavit. It is seen from the counter affidavit that the fourth respondent has obtained 30 marks as against 28 marks secured by the petitioner and apart from that, the respondents have followed the regular practice in appointing a Noon Meal Organizer and there is nothing illegal or unjust as alleged by the petitioner.



7. From the counter affidavit of the third respondent, it is seen that the marks awarded to the petitioner under the heading Economic status is only 2 as against 3 awarded to the fourth respondent. The petitioner challenges the very process of awarding marks before appointing a fit person as a Noon Meal Organizer. Unfortunately, the Court sitting in writ jurisdiction under Article 226 of the Constitution of India cannot go into a roving enquiry with regard to the manner in which, marks were awarded to various candidates.

8. The Counter Affidavit of the third respondent clearly states that all relevant factors have been considered before appointing the fourth respondent.

9. The learned counsel for the fourth respondent would also invite the attention of the Court to the information obtained by her under the Right to Information Act, 2005 in December 2016 to establish that the petitioner was employed in Vayalur Village Panchayat Union right from 01.11.2013 onwards till December 2016, when the information was provided to the fourth



W.P.No.32809 of 2016

respondent husband under the provisions of the Right to Information Act, 2005.

WEB COPY

10. This Court does not find any illegality or irregularity in the appointment of the fourth respondent to the post of Noon Meal Organizer and the petitioner's allegations with regard to the marks being awarded to her and the fourth respondent in a discriminatory manner also cannot be found fault with, in the light of the counter affidavit filed by the third respondent. It is clear that all guidelines have been duly followed for awarding marks to the candidates.

11. The petitioner is unable to establish any fraud or illegality in the exercise undertaken by the first to third respondents in awarding marks to the petitioner and other candidates, including the fourth respondent.

12. Hence, there is no merits in this writ petition. However, it is brought to the notice of the Court by the learned counsel for the petitioner that there are several vacancies in and around the same locality. Considering the same, the second respondent, in consultation with the third respondent, may consider for appointing the petitioner as a Noon Meal Organizer to any other center where, there is a vacancy, as per rules and regulations.



W.P.No.32809 of 2016

WEB COPY 13. With these observations, this Writ Petition is disposed of. No costs.

Consequently, connected Writ Miscellaneous Petition is closed.

26.06.2023

Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes / No

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To

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Programme Department,
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2.The District Collector,
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P.B.BALAJI, J.

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