



WEB COPY



W.P.No.36069 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **P.B.BALAJI**

W.P.No.36069 of 2016
and W.M.P.Nos.30992 & 30993 of 2016

Aided Elementary School,
Rep by its Secretary,
A.Kottarakuppam,
Irulakurichi Post 606 115,
Virudhachalam Range,
Cuddalore District.

...Petitioner

-Vs-

1. The Secretary to Government,
Social Welfare and Nutritional Meal
Programme Department,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.
2. The District Collector,
Cuddalore District,
Cuddalore.
3. The Personnel Assistant to
the District Collector of Cuddalore,
(Noon Meal Programme)
Cuddalore.



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4. The Block Development Officer,
Block Development Office,
Virudhachalam Panchayat Union,
Virudhachalam.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the G.O.Ms.No.4 dated 06.01.2011 and G.O.Ms.No.72, dated 30.04.2012, Social Welfare and Nutrition Meal Programme (NMS-2) Department, issued by the first respondent and the proceedings passed by the second respondent in Na.Ka.P.T.1/7256/2011 dated 29.08.2016 and quash the same and direct the respondents to fill up the post of Noon Meal Cook and Noon Meal Cook Assistant in the petitioner's School only from the list of candidates submitted by the school on 07.08.2012.

For Petitioner : Mr.R.Kamaraj

For Respondents : Mr.V.Arun
Additional Advocate General
For Mr.R.Kumaravel
Additional Government Pleader

ORDER

The Writ Petition has been filed to quash the G.O.Ms.No.4 dated 06.01.2011 and G.O.Ms.No.72, dated 30.04.2012, Social Welfare and Nutrition Meal Programme (NMS-2) Department, issued by the first



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respondent and also the proceedings passed by the second respondent in Na.Ka.P.T.1/7256/2011 dated 29.08.2016 and to direct the respondents to fill up the post of Noon Meal Cook and Noon Meal Cook Assistant in the petitioner's School only from the list of candidates submitted by the school on 07.08.2012.

2. The petitioner challenges the G.O.Ms.No.4 dated 06.01.2011 and G.O.Ms.No.72, dated 30.04.2012, Social Welfare and Nutrition Meal Programme (NMS-2) Department. However, the learned Additional Advocate General brought to my notice that the issue is no longer *res-integra*, since the Hon'ble Division Bench of this Court in a batch of Writ Appeals in W.A.(MD) No.792 of 2012 etc., in and by a common judgment dated 22.03.2017, upheld the validity of the said G.O. Subsequently, a learned Single Judge of this Court by order dated 23.08.2022 in W.P.No.5211 of 2017 has followed the ratio laid down by the Hon'ble Division Bench and dismissed the petition challenging the said G.O.



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3. This Court is bound by the decision of the Hon'ble Division Bench. Since the G.O.Ms.No.4, dated 06.01.2011 has already been upheld, the Writ Petition fails and accordingly the Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to cost.

21.06.2023

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

rts



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P.B.BALAJI. J.

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