



WEB COPY

W.P.No.15933 of 2020
W.M.P.No.19807 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.15933 of 2020
and
W.M.P.No.19807 of 2020

Annai Lourd High School,
No.1, School Road,
Rajiv Gandhi Nagar,
Pattabiram,
Chennai - 600 072.
Rep. by its Correspondent,
D.Vargease,
S/o. Late Daveed.

...

Petitioner

versus

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.Personal Assistant to District Collector,
(Noon Meal Programme)
Tiruvallur District,
Tiruvallur.

3.The Commissioner,
Poonamallee Panchayat Union Office,
Poonamallee,
Chennai - 600 056.

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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 impugned order passed by the 2nd respondent in Se.Mu.Na.Ka. No.554/2020/ SaUooT1 dated 15.10.2020 and to quash the same and consequently directing the respondents to approve the appointment of S.Jerlin Chitra and R.Anitha, in the post of Cook Assistant and Cook respectively, from the date of appointment with all consequential and other attendant benefits.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

The petitioner has filed this petition to quash the impugned order dated 15.10.2020 passed by the 2nd respondent in Se.Mu.Na.Ka. No.554/2020/ SaUooT1 and consequently direct the respondents to approve the appointment of S.Jerlin Chitra and R.Anitha, in the post of Cook Assistant and Cook respectively, from the date of appointment with all consequential and other attendant benefits.

2. Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner, Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents and perused the materials available on record.



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3. The petitioner is a minority aided School and it had chosen to fill up one Jerline Chitra as Cook Assistant and Anitha as Cook and sent a proposal to the 1st respondent for approval of the appointment. Since the appointment orders have not been issued, the petitioner has filed this Writ Petition seeking directions.

4. As per G.O.(Ms).No.4, Social Welfare and Nutritious Noon Meal Programme Department, dated 06.01.2011, the minority aided Schools have to issue due advertisement to call for applications for the posts of Cook Assistant and Cook. After scrutinising the applications, they have to conduct interview and prepare a list of eligible persons. The school management has to select 5 among the applicants and send recommendations for appointment. The 1st respondent / District Collector shall appoint one among them as Cook and another as Cook Assistant under the Nutritious Meal Programme.

5. On perusal of records, it is seen that the notification has been given for inviting the applications by the respective local bodies. The Headmasters of the petitioner's School had scrutinised the list of eligible



candidates and had chosen some applicants for further scrutiny. Since only 2 members in the list were possessing the required certificates, the petitioner's School recommended the names of those two persons by names Jerline Chitra and Anitha for the posts of Cook Assistant and Cook respectively.

6. Since the essential procedure laid down for recruiting the persons for the said posts have been complied and only 2 persons were found to be eligible and the proposal have been sent in this regard, the respondents have to consider and pass appropriate orders for issuing appointment orders to the above candidates.

7. It is seen from the proceedings dated 15.10.2020 issued by the 2nd respondent / Personal Assistant to District Collector that as an interim appointment one Tamilselvi has been deputed to work in the Nutritious Meal Programme of the petitioner's School.

8. Since the petitioner School in a minority Institution and it had complied the necessary procedure contemplated for appointing the said posts and duly sent the list of persons recommended, the 1st respondent



ought to have passed appropriate orders as per the procedure established in this regard.

9. Since the 1st respondent has not considered and passed orders on the recommendations made by the petitioner, the 1st respondent is directed to consider the same and pass appropriate orders, by way of issuing orders of appointments by eventually withdrawing one Tamilselvi who was deputed by the 1st respondent to the petitioner's School within a period of six (6) weeks from the date of receipt of a copy of this order

With these directions, this Writ Petition is **disposed**. No costs. Consequently, connected Miscellaneous Petition is closed.

05.12.2023

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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R.N.MANJULA, J.

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