



WP.No.20504 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUIMAR

WP.No.20504 of 2023
and W.M.P.No.19901 of 2023

G.Sivasankari

.. Petitioner

Versus

1.The District Collector
Villupuram District
Villupuram

2.The Child Development and Planning Officer
Koliyanur Block
Villupuram District

3.Noon Meal Organizer
Thodanthanur – II
Koliyanur Post
Villupuram District

4.M.Sankri Devi

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No.2319/A1/2022 dated 20.01.2023 and to quash the same as illegal, inappropriate, arbitrary and unconstitutional and consequently, direct the first respondent to pass orders to appoint the petitioner as noon meal organiser at Thodanthanur-II, Koliyanur Panchayat Union, Villupuram District.

For Petitioner : Mr.T.Elumalai
For Respondents : Mr.E.Vedabagath Singh for R1 to R3
Special Government Pleader



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ORDER

This Writ Petition has been filed challenging the order passed by the first respondent in Na.Ka.No.2319/A1/2022 dated 20.01.2023, quash the same and consequently, direct the first respondent to pass orders to appoint the petitioner as noon meal organiser at Thodanthanur-II, Koliyanur Panchayat Union, Villupuram District.

2. It is the grievance of the writ petitioner that she has completed the 11th standard and her husband died on 20.12.2018. On 18.02.2019, the respondents 1 & 2 called for direct recruitment for the post of Principal Noon Meal Organiser under the scheme of Organised Child Development Programme Scheme with the condition that the applicant must be residing within the time limit of 3 kms from the third respondent Anganwade premise. The petitioner has applied for the said post. On 22.09.2019, the petitioner was called for enquiry and the petitioner attended the interview and furnished all required documents to the second respondent. However, the fourth respondent was appointed, though the petitioner is more deserving. Aggrieved, the petitioner has also approached the first respondent 18.10.2019 for considering her appointment, which was not considered. Hence, she filed a writ petition in W.P.No.3504 of 2020, whereas, this Court, by order dated 22.06.2022, directed the petitioner to give a fresh representation. The petitioner made a



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representation on 27.07.2022. Based on the said representation, the first respondent has passed the above impugned order. Hence, this writ petition.

3. The main ground on which the challenge has been made is that the first respondent has not considered the relevant factors such as the fourth respondent has completed the B.Sc. degree and also she is also residing beyond the 5 kilometres. Therefore, the entire order is sought to be cancelled.

4. Heard both sides and perused the materials placed on record.

5. When the Court has posed a question, whether she comes under the general category as per the G.O.(Ms).No.163, Social Welfare and Nutritious Meal Programme Department dated 18.08.2010. However, no answer is forthcoming from the learned counsel. When the appointment is made on the basis of the above referred Government Order dated 18.08.2010 and the post is earmarked only for the general category, the petitioner who does not come under the general category, as a matter of right cannot seek appointment. Therefore, the fourth respondent was appointed in the year 2019 and is continuously working. When the petitioner is not qualified as per the Government Order, as a matter of right, she cannot question the appointment.



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Hence, I do not find any merits in this case.

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6. Accordingly, this writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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dhk

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

To

1. The District Collector
Villupuram District
Villupuram

2. The Child Development and Planning Officer
Koliyanur Block
Villupuram District

N.SATHISH KUMAR, J.



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