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WA.No.2539 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Appeal No.2539 of 2022

and

C.M.P. No. 19977 of 2022

1.The State of Tamil Nadu

Rep. by its Secretary to Government
Social Welfare and Noon-Meal Department
Secretariat, Chennai-9

2.The District Collector

Krishnagiri District

.. Appellant

Versus

1. Pachiammal

2. Kavitha

3. Saritha

4. Santha

5. Valliammal

6. The Bloyck Development Officer

Mathur Panchayat Union

Krishnagiri District

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 28.10.2021 passed in W.P.No.23120 of 2021.

For appellants

:

Mr. S. Silambannan

Additional Advocate General

assisted by Mr. C. Selvaraj

Additional Government Pleader



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For Respondents

: Mrs. Dakshayani Reddy, Senior Advocate
for Mr. C. Mahendran for RR1 to 5

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JUDGMENT

(Judgment of the court was delivered by R. MAHADEVAN, J)

The respondents 1 and 2 in WP No. 23120 of 2021 are the appellants in this appeal. They are aggrieved by the order dated 28.10.2021 passed by the learned Judge in the said writ petition, directing the appellants to accommodate the writ petitioners/respondents 1 to 5 herein in regular posts.

2. The respondents 1 to 5 have filed the aforesaid Writ Petition No. 23120 of 2021 praying to set aside the order dated 10.02.2021 of the first appellant herein and consequently direct the first respondent to implement the recommendation of the second appellant in his communication dated 07.01.2021 and to appoint them as Noon Meal Organizers or in any other Government employment based on their qualification.

3. The respondents 1 to 5 herein were appointed as Coordinators in Adult Literacy Programme under a scheme called *Valar Kalvi Thittam* (*Growing Education Scheme*) during the year 2003 and they worked in such scheme for a period of seven years without any break. While so, during the



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year 2010, the respondents 1 to 5 were ousted from service by citing want of vacancy. Therefore, the respondents 1 to 5 made representations to the sixth respondent herein for appointment to the post of Noon Meal Organiser. Based on such representation, the sixth respondent herein sent a proposal dated 22.03.2010 to the second appellant herein to consider the claim of the respondents 1 to 5. However, the recommendation made by the sixth respondent has not been considered, hence, the first respondent herein has filed WP No. 31818 of 2014 praying to issue a Writ of Mandamus directing the second appellant herein to consider the recommendation of the sixth respondent herein and appoint her as Noon Meal Organiser in the sixth respondent block. By order dated 04.12.2014, the learned Judge disposed of WP No. 31818 of 2014 filed by the first respondent herein with a direction to the second appellant herein to consider her representation dated 19.02.2014 and to pass orders on merits.

4. A similar writ petition was filed by the third and fourth respondents herein in WP No. 32292 of 2014 in which also, an order dated 10.12.2014 came to be passed, directing the second appellant herein to consider the claim of the respondents 3 and 4 herein on the basis of the recommendation of the sixth respondent made on 19.04.2010.



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5. Pursuant to the aforesaid orders passed in the writ petitions, the second appellant herein passed the orders dated 16.02.2015, 23.02.2015, 23.02.2015 and 18.02.2015 rejecting the claim made by the respondents 1 to 5 herein. Challenging the aforesaid orders, WP Nos. 30061 and 32259 to 32262 of 2015 were filed and they were dismissed by this Court on 16.08.2016. Aggrieved by the same, the respondents 1 to 5 herein have filed W.A. Nos. 1407 to 1411 of 2016. By a common judgment dated 25.07.2017, the Division Bench of this Court has observed that if it is otherwise possible to accommodate the respondents 1 to 5 herein, the appellants shall consider their cases on merits. In spite of such direction issued by the Division Bench of this Court, the appellants have not passed any order and therefore Contempt Petition Nos. 899 to 903 of 2018 were filed.

6. During the pendency of Contempt Petitions, the second appellant passed an order dated 05.04.2018 stating that if the respondents 1 to 5 submit their applications pursuant to the recruitment notification, if any, their cases will be considered on the basis of G.O. Ms. No.163 dated 18.02.2010 and as per their eligibility and qualifications. Aggrieved by the order dated 05.04.2018, the respondents 1 to 5 have filed WP Nos. 21397 to 21402 of 2018. By order dated 10.04.2019, the learned Judge dismissed the writ

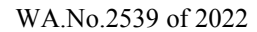


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petitions filed by the respondents 1 to 5 with an observation that they can participate in the process of selection, if any recruitment notification is issued for appointment to the post of Noon Meal Organisers.

7. Challenging the order dated 10.04.2019 passed in WP Nos. 21397 to 21402 of 2018, the respondents 1 to 5 herein have filed Writ Appeal Nos. 2850, 2851, 2854, 2856 and 2858 of 2019 before this Court. By a common Judgment dated 27.08.2020, the Division Bench of this Court disposed of the writ appeals with an observation that the appellants shall consider the claim of the respondents 1 to 5 for appointment of Noon Meal Organisers taking note of the fact that they have worked as Co-ordinators on temporary basis from 2003 upto 2010. Pursuant to the said order, the first appellant has passed an order dated 10.02.2021 rejecting the request of the respondents 1 to 5. As against the order of rejection dated 10.02.2021, the respondents 1 to 5 have filed the writ petition No. 23120 of 2021 before the learned Judge.

8. On consideration of the rival submissions, the learned Judge disposed of WP No. 23120 of 2021 filed by the respondents 1 to 5 herein, by issuing a positive direction to the appellants herein to ensure that appropriate orders are issued for relaxing the age criteria for absorbing the respondents 1



dated 28.10.2021 reads as follows:-

9. Assailing the aforesaid order, the appellant has come forward with his writ appeal.

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the learned Additional Advocate General appearing for the appellants submitted that in future, if any vacancy arises, the claim of the respondents 1 to 5/writ petitioners will be sympathetically considered in the light of the recommendations made by the sixth respondent on 07.01.2021 for appointment to the post of Noon Meal Organizers.

11. Recording the said submissions, the writ appeal is disposed of.
No costs. Connected miscellaneous petition is closed.

[R.M.D,J] [M.S.Q, J]

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Internet : Yes

Neutral Citation : Yes/No

gya/rsh

To

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