



W.P.No.5468 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM:

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

W.P.No.5468 of 2017
and W.M.P.No.5822 of 2017

T.R.Jayaraman
Secretary,
M.N.A. Aided Middle School,
Mayurananthar Mela Madavilagam,
Mayiladuthurai - 609 001.

...Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Social Welfare & Nutritious Meal
Program Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

2. The District Collector,
Nagapattinam,
Nagapattinam District.

3. The Block Development Officer,
Mayiladuthurai Union,
Nagapattinam District.
(R3 amended as per order of this
Court dated 10.07.2017 in W.M.P.No.
6351 of 2017 in W.P.No.5468 of 2017)

... Respondents



W.P.No.5468 of 2017

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 impugned Notification issued by the second respondent through paper advertisement in No.Nil dated 31.01.2017 and to quash the same and consequently direct the respondents to conduct selection to the post of Noon Meal Organizer by adopting method of selection involving participation of the school management and in compliance with other legal requirements.

For Petitioner : Mr.S.Neduncheahian
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 impugned Notification issued by the second respondent through paper advertisement in No.Nil dated 31.01.2017 and consequently direct the respondents to conduct selection to the post of Noon Meal Organizer by adopting a method of selection involving participation of the school management and in compliance with other legal requirements.

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



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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.

3. This Court is bound by the decision of the Hon'ble Division Bench. Since 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.

rts

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Social Welfare & Nutritious Meal
Program Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The District Collector,
Nagapattinam,
Nagapattinam District.
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