



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2023

CORAM

THE HON'BLE Mr. JUSTICE **C. V . KARTHIKEYAN**

W. P. No. 8576 of 2017

K. M. Geetha

.. Petitioner

Vs.

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Commissioner,
Thirutani Panchayat Union,
Thirutani.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents exempting the petitioner from the age limit fixed in Na.Ka.No.1250/Sa.Vu.Thi.1/2016 dated February 2017, give priority to the petitioner in the appointment.

For Petitioner

.. Mr. A. Akash, For Mr. S . Y. Masood

For R1

.. Mr. V. Nanmaran, Addl. Govt. Pleader

For R2

.. Mr. P. Chinnadurai

**ORDER**

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This Writ Petition has been filed in the nature of Mandamus seeking a direction against the 1st respondent, District Collector, Thiruvallur District, to exempt the petitioner from the age limit fixed in Na.Ka.No.1250/Sa.Vu.Thi.1/2016 and thereby give priority to the petitioner in the appointment as Noon Meal Scheme Organizer.

2.It is quite unfortunate that the petitioner has been approaching this Court at successive intervals and I really hope that, at some point of time, she would be successful and get some appointment at some place.

3.The petitioner was originally appointed as a Noon Meal Scheme Organizer by the 1st respondent by order dated 03.01.2011. She joined duty on 11.01.2011 and was discharging her duty as such. Thereafter, one Mrs. N. Prema, who is not a party in the present writ petition had filed W.P.No.653 of 2011 questioning the appointment of the petitioner herein as Noon Meal Scheme Organizer. The contention of the said individual was that, she should have been considered on priority basis, as she was a widow, her husband having died in a road accident. That found favour with the



learned Single Judge as His Lordship then was, who passed final orders on 05.01.2012 interfering with the appointment of the petitioner herein as Noon Meal Scheme Organizer and who directed the respondents to reconsider the entire aspect, particularly on the basis that the writ petitioner therein Mrs. Prema was a widow. The respondent had applied their mind again, and appointed the said Mrs. Prema as Noon Meal Scheme Organizer. Questioning that appointment, the petitioner herein had filed W.P.No.20440 of 2012 and by some fate, it had been listed before me and orders had been pronounced on 05.12.2018 dismissing the said writ petition. I had also found that Mrs. Prema should be considered on priority basis, consequent to her being a widow.

4.The contention of the learned counsel for the petitioner is that the petitioner's husband is unfortunately very sick and that she is the only bread winner and her husband could not go out to work and she should be therefore also treated equally. But a parallel cannot be so drawn. The petitioner had by that time had crossed the age of 47 years. The order which has is questioned and from which the petitioner seeks exemption and which had been issued on 07.02.2017, stipulated that for any appointment as a



Noon Meal Scheme Organizer, the applicant should be aged 40 years or less.

This has been issued by the 2nd respondent.

5. It is claimed that the 1st respondent as an authority, who can grant the said exemption. Having failed in earlier attempts to get appointment, the only ground on which the petitioner further seeks such exemption of age or rather age relaxation is that she was earlier appointed as Noon Meal Scheme Organizer in the year 2011 and had functioned for 18 months as such. But that appointment was set aside by an order of the Court and was viewed critically by the Court. Therefore, that period of appointment cannot be accrued to the benefit of the petitioner herein.

6. I am not given any data whether the 1st respondent or for that matter, any other District Collector, had relaxed the age of any other individual, who sought appointment as Noon Meal Scheme Organizer. This might open a Pandora box. If one individual were to be granted such exemption, then others would also expect for the same. There are rules put in place in terms of public employment and such rules should be followed scrupulously and diligently.



7. In the instant case, the rule says that the age limit is 40 years and if the petitioner had crossed the age of 40 years, then she should focus her attention on any other employment. That is why, I stated in the beginning, this Court wishes her all the best in any of her future endeavours, but so far as her endeavour to seek exemption from the age limit or for consideration of appointment of Noon Meal Scheme Organizer, unfortunately, a Mandamus cannot be issued under the settled regulations. Therefore, the Writ Petition stands dismissed. No costs.

03.07.2023

Index: Yes/No
Internet: Yes/No
smv



To,

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1.1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Commissioner,
Thirutani Panchayat Union,
Thirutani.



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C.V.KARTHIKEYAN,J.

smv

W.P.No.8576 of 2017

03.07.2023