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W.P.No.32027 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.32027 of 2017
and W.M.P.Nos.35183 & 35184 of 2017

Valarmathi

...Petitioner

-Vs-

1. The Director of Social Welfare,
Chepauk, Chennai – 600 005.

2. The District Collector,
Dharmapuri District,
Dharmapuri – 636 705.

3. Jaya

... 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 second respondent in Pro.Na.Ka.No.1521/2016/X1 dated Nil.11.2017, quash the same and issue consequential directions to first and second respondents herein to appoint the petitioner as Noon Meal Organizer in the Panchayat Elementary School Kattuvalavu, Pocharampatty, Pennagaram Panchayat Union, Dharmapuri District.

For Petitioner : Mr.R.Thamaraiselvan



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For Respondents

For R1 & R2 : Mr.V.Arun
Additional Advocate General
Assisted by Mr.R.Kumaravel
Additional Government Pleader

For R3 : No appearance

ORDER

The petitioner seeks issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the second respondent in Pro.Na.Ka.No.1521/2016/X1 dated Nil.11.2017 and issue consequential direction to first and second respondents herein to appoint the petitioner as Noon Meal Organizer in the Panchayat Elementary School Kattuvalavu, Pocharampatty, Pennagaram Panchayat Union, Dharmapuri District.

2. The petitioner challenges the appointment of the third respondent for the post of Noon Meal Organizer on the ground that the petitioner, despite being qualified and falling within all the requirements of the respondents, the rules were flouted to accommodate the third respondent. According to the petitioner, the third respondent resides more than three kilometers away from the noon meal centre. Therefore, on that limited ground itself, she would not be eligible to be considered.



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3. This Court, in and by an order dated 15.03.2022, had directed the second respondent to verify the distance between the residences of the petitioner and the third respondent and the noon meal scheme centre. In compliance of the said order, the second respondent has filed relevant documents and it is seen that after giving due notice to the petitioner as well as the third respondent, the verification process was undertaken and, in and by certificate dated 04.04.2022, it is stated that the petitioner resides 240 meters away from the noon meal centre and the third respondent resides 4500 meters away from the noon meal scheme centre. Therefore, the third respondent is clearly ineligible for seeking appointment as she resides more than three kilometers away from the noon meal scheme centre as per G.O.Ms.No.163 dated 18.08.2010.

4. It is also seen from the documents filed by the respondents that the petitioner obtained 43 marks. However one another candidate who has also obtained 43 marks viz., Kasthoori Gajalakshmi and one Rajeswari has obtained 44 marks. This Court is concerned about the manner in which the marks were awarded to the candidates. There appears to be no definite yardstick on the basis of which marks were



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awarded. For instance, if a candidate resides within three kilometers, she is awarded full marks for the said category. This might have an impact on the overall marking where other factors like knowledge, age etc., are taken into consideration.

5. For example, a candidate may reside within 50 meters of the noon meal scheme centre and another candidate may reside 2.9 kilometers away from the noon meal scheme centre. Both these candidates are awarded full marks, merely because they qualify for the condition prescribed in the G.O.Ms.163, that they reside within three kilometers. Such an approach may not fetch fair results. In the opinion of this Court, the respondents are therefore directed to consider all these aspects and lay down proper guidelines for awarding marks to the candidates while considering them for the post of Anganwadi workers or noon meal scheme workers, in future.

6. However, insofar as the present matter is concerned, the third respondent is clearly ineligible to hold the post as she resides 4.5 kilometers away from the noon meal scheme centre. Therefore, the impugned order passed by the second respondent appointing the third



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respondent has to be necessarily set aside and accordingly is hereby set aside. However, the second respondent shall take appropriate steps to call for a fresh selection and appoint a suitable candidate in the place of the third respondent. The said exercise shall be completed by the second respondent, within a period of four weeks from the date of receipt of a copy of this Order. In the mean time, the third respondent shall be permitted to continue to hold the post, only considering the interest of the noon meal scheme centre and not on any other ground. The petitioner as well as other eligible candidates will be at liberty to participate in the fresh selection process.

7. With the above directions, the Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to cost.

21.06.2023
(½)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
rts



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P.B.BALAJI. J.

rts

To

1. The Director of Social Welfare,
Chepauk, Chennai – 600 005.
2. The District Collector,
Dharmapuri District,
Dharmapuri – 636 705.

W.P.No.32027 of 2017 and
W.M.P.Nos.35183 & 35184 of 20177

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