



W.P.No.32028 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.32028 of 2017
and W.M.P.Nos.35185 & 35186 of 2017

S.Jayalakshmi

...Petitioner

-Vs-

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

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

3. D.Amudha

... 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 Union Middle School, Kansalpayil, Palacode Panchayat Union, Dharmapuri District.



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For Petitioner : Mr.R.Dhanasekar

For Respondents

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

For R3 : Mr.P.Mohanraj

ORDER

The writ petitioner seeks to quash the impugned proceedings in Pro.Na.Ka.No.1521/2016/X1 on the file of the second respondent dated Nil.11.2017 and consequently direct the respondents 1 & 2, to appoint the petitioner as Noon Meal Organizer in the Panchayat Union Middle School, Kansalpayil, Palacode Panchayat Union, Dharmapuri District.

2. The case of the petitioner is that she applied for the post of Noon Meal Organizer pursuant to the second respondent's notification dated 08.03.2017 for filling up the existing vacancies. The second respondent called upon the petitioner to attend an interview on 13.07.2017. However, the petitioner being fully qualified and also being a widow belonging to backward class community, was not preferred and the third respondent was appointed irregularly. Challenging the said



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appointment, the petitioner has filed the present Writ Petition.

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3. The second respondent filed counter stating that the third respondent was found to be more eligible than the petitioner and she had obtained more marks in the interview also. According to the second respondent there is no violation of G.O.Ms.163 dated 18.08.2010 and therefore, the impugned order does not warrant any interference that too for issuance of Writ of Certiorarified Mandamus under Article 226 of the Constitution of India.

4. The learned Additional Advocate General appearing for the respondents has filed a list of documents evidencing the marks obtained by the petitioner as well as the third respondent with break up besides also to certify the distance factor i.e., the distance of residences of the petitioner and the third respondent from the noon meal scheme centre.

5. On going through the records, this Court unable to find any infirmity in the order of appointment issued to the third respondent.

6. The learned counsel appearing for the petitioner invites the



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attention of the Court to the report column 9 which pertains to the knowledge of the applicants concerned. None of the applicant have been given more than six marks and the third respondent has been given 9 marks and he questions that the awarding of marks in a biased manner.

7. However, this Court sitting in Writ jurisdiction cannot go into the such factual issues especially in the absence of any *prima facie* material to show that any bias has been shown to the third respondent. However at the same time, it is noticed that there are no guidelines or yardstick on the basis of which marks are awarded under various categories. This Court finds that even the categories listed for awarding marks do not appear to be in sync with the G.O.Ms.No.163 dated 18.08.2010. It is therefore desirable that the State Government shall look into the issue and frame guidelines for a proper marking system, so that there will be uniform selection throughout the State.

8. In the result, this Court finds no merits in the present petition and accordingly the Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as



to cost.

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(2/2)

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts

To

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



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P.B.BALAJI. J.

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