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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.09.2023**

CORAM

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.286 of 2013
and
M.P.(MD)Nos.1 and 2 of 2013

1.The State of Tamil Nadu,
represented by its Principal Secretary,
Social Welfare and Noon Meal Department,
Fort St.George, Chennai.

2.The District Collector,
Collectorate,
Madurai, Madurai District-625 020.

...Appellants

-Vs.-

P.Sathya

...Respondent

PRAYER:- Writ Appeal - filed under Clause 15 of Letters Patent Act, to
set aside the order dated 17.10.2012 made in W.P.(MD)No.10282 of 2012
on the file of this Court.

For Appellants : Mr.S.Selvaganesan
Additional Government Pleader
For Respondent : Ms.R.Vennila



JUDGMENT

(Judgment of the Court was delivered by **DR.ANITA SUMANTH, J.**)

The Writ Petitioner had joined the services of Melur Panchayat as a Noon Meal Cook Assistant on 02.07.2002 and was posted at Kalaimagal Primary School, Palayakasupatty. She aspired to the post of Noon Meal Organizer and avers that in the course of her tenure as Assistant Cook, her name had also been considered in panels for appointment as Noon Meal Organizer.

2. She would also aver that several Government Orders, that had been issued by the Social Welfare and Noon Meal Nutritious Meal Programme Department, had entitled her to the said post, seeing as under those Government Orders, candidates, who had either passed or failed in SSLC, could have been appointed.

3. However, the position changed with the issuance of G.O.Ms.No.163 dated 18.08.2010 under which various stipulations have been made relating to Noon Meal Centre. One such related to



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qualification for the post of Noon Meal Organiser as well as other persons working in Noon Meal Centre.

4. As far as the eligibility for Noon Meal Organizer is concerned, educational qualification was stipulated to be a pass in 10th standard in respect of those in general category and downtrodden. The Writ Petitioner admittedly had not been successful in SSCL and on the basis of this disentitlement, she is clearly not entitled to the post of Noon Meal Organizer.

5. While so, a Writ Petition came to be filed by her in W.P.(MD)No.10282 of 2012 along with three others who filed separate writ petitions, all seeking Mandamus for appointment to the post of Noon Meal Organizer. The Writ Petitions were taken up by the Writ Court along with several other writ petitions where the prayers were varied, and a common order had been passed on 17.10.2012.

6. Apart from the challenges by the four Writ Petitioners, including the Writ Petitioner herein, challenges by other petitioners had



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been made to two Government Orders, one being G.O.Ms.No.4 dated 06.01.2011 and G.O.Ms.No.163 dated 18.08.2010.

7. To be noted that as far as the latter is concerned, the only aspect that came under this scanner relating to the qualified distance and not the educational qualification. In fact, there has been no challenge to the educational qualification prescribed under the Government Order thus far.

8. We find that order dated 17.10.2012 does not discuss the rival contentions relating to the Writ Petitioner or the other three candidates and has merely proceeded to allow the Writ Petitions in full. The State has thus filed appeals in the case of the four writ petitions, three of which have come to be closed as infructuous on 10.03.2023 (W.A(MD)Nos.284, 285 and 287 of 2013).

9. Those Writ Appeals were rendered infructuous in light of the fact that, pending proceedings, those candidates had appeared for and passed the qualifying exam. This petitioner, however, has not done so



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and thus, as on date her qualifications is a fail in SSLC. This stands in the way of her entitlement as per G.O.Ms.No.163 dated 18.08.2010.

10. In light of the admitted facts, the conclusion of the Writ Court to the effect that the Writ Petitioner is entitled to promotion is set aside and this Writ Appeal is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

[A.S.M.J.,] & [R.V.J.,]
20.09.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No



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AND
R.VIJAYAKUMAR, J.

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