



W.P.(MD)No.14011 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.14011 of 2020

W.M.P(MD).Nos.11664 and 11666 of 2020

Meenakshipuram Middle School,
Rep.by its Correspondent,
K.N.Sulochana,
W/o.(Late).P.V.Ragunathan,
16-A, Srinivasa Perumal Kovil Street,
Kamarajar Salai,
Madurai-625 009.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
rep.by its Secretary,
Education Department,
St.George Fort, Secretariat,
Chennai.
- 2.The Director of School Education,
O/o.The Director of School Education,
Chennai.
3. The District Collector (Noon Meal Scheme),
Collectorate Campus,
Madurai District.



W.P.(MD)No.14011 of 2020

4.The Personal Assistant to the District Collector,
(Noon Meal Scheme),
Madurai District.

5.The Block Development Officer,
Tiruparankundaram Panchayat Union,
Thirunagar,
Madurai District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notification in Na.Ka.No. 30173/2020/Sa.Vu.Thi.1 dated .09.2020 on the file of the respondent No. 3 uploaded in the official website of the 3rd respondent and the consequential impugned list of vacancy details of the Noon Meal Organizer and Noon Meal Cook Assistant in respect of Tiruparankundram Panchayat Union affixed in the office of the respondent No.3 and quash the same as illegal insofar as S.No.47 and S.No.31 in the Communal Turn List and consequently for a direction directing the respondents to include the petitioner's School in the list of Minority Institutions and permit the petitioner to select the candidate for the post of Noon Meal Organizer and Noon Meal Cook Assistant in the petitioner's School in accordance with Government Order in G.O.Ms.No. 4, Social Welfare and Nutritious Welfare Programme Department dated 06.01.2011 within the time period stipulated by this Court.



WEB COPY



W.P.(MD)No.14011 of 2020

For Petitioner : Mr.T.Aswin Rajasimman
for Mr.T.Lajapathi Roy
For Respondents : Mr.S.Saji Bino
Special Government Pleader

ORDER

This writ petition has been filed to call for the records pertaining to the impugned Notification in Na.Ka.No.30173/2020/Sa.Vu.Thi.1 dated -.09.2020 issued by the third respondent and the consequential impugned list of vacancy details of the Noon Meal Organizer and Noon Meal Cook Assistant in respect of Tiruparankundram Panchayat Union affixed in the office of the respondent No.3, quash the same as illegal insofar as S.No.47 and S.No.31 in the Communal Turn List and consequently, direct the respondents to include the petitioner School in the list of Minority Institutions and permit the petitioner to select the candidates for the post of Noon Meal Organizer and Noon Meal Cook Assistant in the petitioner School in accordance with Government Order issued in



W.P.(MD)No.14011 of 2020

WEB COPY

G.O.(Ms).No.4, Social Welfare and Nutritious Welfare Programme Department dated 06.01.2011 within the time period stipulated by this Court.

2. The case of the petitioner is that the petitioner School is a Linguistic Minority School and the minority status was obtained by the Judgment and Decree passed by the Additional Subordinate Court, Madurai, in A.S.No.198 of 1978 dated 13.08.1979, as against which, an appeal was preferred by the Government in S.A.No.1978 of 1981 and the same was dismissed by this Court on 04.07.1991. The procedure for filling up the post of Noon Meal Organizer and Non Meal Cook Assistant is by way of selection process, in which, the Minority School would select a list of candidates and recommend the same to the 4th respondent and the 4th respondent, in turn, would issue appointment orders to the candidates recommended by the Minority School. On the basis of the recommendation, the candidates have to be appointed in terms of G.O.Ms.No.4, Social Welfare and Nutritious Welfare Programme Department dated 06.01.2011. Contrary to the said Government Order,



W.P.(MD)No.14011 of 2020

the present impugned Notification has been issued by the third respondent along with impugned vacancy list, wherein the vacancy in the petitioner School is shown in S.No.47 and S.No.31 in the Communal Turn List which is applicable for Non-Minority Schools. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that as per G.O.(Ms).No.4, Social Welfare and Nutritious Welfare Programme Department dated 06.01.2011, in respect of Minority School, there is no communal rotation and the impugned Notification issued by the third respondent is not applicable to the petitioner School. Contrary to the said Government Order, the present impugned Notification has been issued allotting BC candidates to the petitioner School which is not sustainable one. As per the said Government order, the candidates are selected to the post of Noon Meal Organizer and Noon Meal Cook Assistant in 1:5 ratio, out of five, one person will be selected without referring the communal rotation. Hence, this Court may permit the petitioner to fill up the said posts in terms of G.O.(Ms).No.4, Social



W.P.(MD)No.14011 of 2020

Welfare and Nutritious Welfare Programme Department dated
06.01.2011.

4. The learned Special Government Pleader appearing for the respondents would submit that in respect of appointment to the post of Noon Meal Organizer and Noon Meal Cook Assistant, the procedure contemplated in G.O.Ms.No.4, Social Welfare and Nutritious Welfare Programme Department dated 06.01.2011, will be followed.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. In view of the submission made by the learned counsel appearing for the petitioner, this Court is inclined to grant permission to the petitioner to forward a fresh proposal enclosing the five names of the candidates as their own choice in terms of G.O.Ms.No.4, Social Welfare and Nutritious Welfare Programme Department dated 06.01.2011, to the respondents, within a period of four weeks from the date of receipt of a



W.P.(MD)No.14011 of 2020

WEB COPY

copy of this order. If such proposal is forwarded by the petitioner, the respondents are directed to consider the same and pass appropriate orders within a period of eight weeks thereafter. Further, the petitioner is directed to follow the procedure contemplated in G.O.Ms.No.4, Social Welfare and Nutritious Welfare Programme Department dated 06.01.2011, while selecting the candidates, after due process of law.

7. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

19.01.2023

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No



W.P.(MD)No.14011 of 2020

WEB COPY To

1. The State of Tamil Nadu,
rep.by its Secretary,
Education Department,
St.George Fort, Secretariat,
Chennai.
2. The Director of School Education,
O/o.The Director of School Education,
Chennai.
3. The District Collector (Noon Meal Scheme),
Collectorate Campus,
Madurai District.
4. The Personal Assistant to the District Collector,
(Noon Meal Scheme),
Madurai District.
5. The Block Development Officer,
Tiruparankundaram Panchayat Union,
Thirunagar,
Madurai District.



WEB COPY



W.P.(MD)No.14011 of 2020

M.DHANDAPANI,J.

ssb

W.P.(MD)No.14011 of 2020

19.01.2023