



W.P.(MD)No.14407 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.14407 of 2020

and

W.M.P.(MD)Nos.12057 and 12058 of 2020

Dhanalakshmi

... Petitioner

Vs.

The District Collector,
Office of the District Collector,
(Noon Meals Project Section),
Madurai District.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notification issued by the respondent in his proceedings in Na.Ka.No.30173/2020/Sa.Vu.Thi.1 dated .09.2020 along with the list of particulars of vacancies (Communal Roster) of Noon Meal Organiser issued by the respondent and quash the same as illegal and unconstitutional and consequently direct the respondent to issue fresh notification by providing reservation in respect of physically disabled persons by giving wide publication in the newspaper at Madurai District.

For Petitioner : Mr.R.Suresh Kumar



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For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This Writ Petition has been filed to call for the records of the impugned notification issued by the respondent in his proceedings in Na.Ka.No.30173/2020/Sa.Vu.Thi.1 dated .09.2020 along with the list of particulars of vacancies (Communal Roster) of Noon Meal Organiser issued by the respondent, quash the same as illegal and unconstitutional and consequently direct the respondent to issue fresh notification by providing reservation in respect of physically disabled persons by giving wide publication in the newspaper at Madurai District.

2. The case of the petitioner is that she is a permanent resident at 1/45, Pambalammal Kovil Street, Mannadimangalam, Vadipatti Taluk, Madurai District and she belong to Backward Class Community. She has completed B.Com., degree during 2005 and She is a physically handicapped person having suffered with Polio (Locomotor disability / Orthopaedically



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with 40% physical disability). While so, the respondent has issued a notification dated Nil .09.2020 through their District official website calling for online applications for the post of Noon Meal Organisers in Madurai District at various Panchayat Unions by stipulating certain conditions and also details of vacancies and eligibility, viz., age, qualifications etc. In the said notification, there is no mention whatsoever about the physically disabled persons and thus, the Rule of Reservation has not been followed. The Department of Social Welfare and Noon Meal Organiser, as well as the Labour and Employment issued various Government Orders for maintaining reservation rules including the percentage of reservation in respect of physically disabled candidates. Furthermore, the said notification meant for public employment has not given any wide publicity as prescribed under the various Government Orders and Rules stipulated. The said notification is issued only through a District official website of the respondent, which is highly illegal. Thus, the right of the petitioner being a physically disabled person is deprived of due to non compliance of the reservation policy for physically disabled persons. Hence, the present Writ Petition has been filed.



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3. The learned counsel appearing for the petitioner would submit that though the petitioner has filed this Writ Petition in the year 2020 challenging the post of Noon Meal Organiser on the ground that no rule of reservation was followed and no priority category was published. Hence, he prayed for an appropriate orders.

4. The learned Special Government Pleader appearing for the respondent has filed a counter affidavit stating that the Government of Tamil Nadu in G.O.(Ms)No.142, Social Welfare and Noon Meal Programme Department, dated 06.07.2010 strictly mandated that the rules of reservation being adopted in the recruitment of Noon Meal Organiser; and while following the Rules of Reservation, the District as a single unit must be strictly ensured; and the Government had issued G.O.(Ms)No.55, Personnel and Administrative Reforms Department dated 08.04.2010 stating that the revised 200 points roster shall be continued by the recruiting agencies / appointing authorities from the last turn up to which the selection was already made. In Schedule III Rule 22 (c) of State and Subordinate Service Rules, the 200 points roster and the community to be fixed against each



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vacancy has been provided for. As per the instructions of the Government in G.O.(Ms)No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010, 200 points communal rotation roster has to be maintained for the District of Madurai as a single unit. As per the order of the Government of Tamil Nadu vide G.O.(Ms)No.21, Welfare of Differently Abled Persons (DAP-3.2) Department dated 30.05.2017, 4% of the vacancies in the post of Noon Meal Organisers should be reserved for differently abled persons and the G.O.(Ms)No.149, Personnel and Administrative Reforms Department, dated 11.01.2001 has clearly stated that the differently abled persons must be ranked as Rank No.1 in the priority category. Hence, there is no difficulty for the differently abled persons to seek appointment in the nearby centres where the same is reserved for 'priority' category in the horizontal reservation. It is pertinent to note that for 358 vacancies, 23640 applications were received and in view of COVID-19 situation, entire selection process was kept in abeyance. However, the appropriate notification will be issued in future for filling up the post. If any such notification is issued, the petitioner is entitled to participate in the future selection process. Hence, he prays for dismissal of



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the Writ Petition.

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5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. In view of the stand taken by the learned Special Government Pleader for the respondent in the counter affidavit filed by them, no further order is necessary in this Writ Petition. However, the respondent is directed to follow Government Orders mentioned in the counter affidavit for future recruitment.

7. Accordingly, this Writ Petition is disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

31.01.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



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Office of the District Collector,
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M.DHANDAPANI,J.

vji

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