



W.P.(MD)No.3839 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3839 of 2018

and

W.M.P.(MD).Nos.3979 and 3980 of 2018

R.Suganya

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Commissioner,
Budalur Panchayat Union,
Budalur,
Thanjavur District.

3.Indra Gandhi

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of 1st respondent in connection with the impugned order of appointment issued to the 3rd respondent vide his proceedings in Na.Ka.



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182/2017/Sa.Vu.Thi-1 dated 06.02.2018 and quash the same as illegal and arbitrary in view of conditions stipulated in G.O.Ms.No.163, Social Welfare and Nutritious Scheme (Sa.Vu.Thi.2) Department dated 18.08.2010 and consequently direct the 1st respondent to appoint the petitioner as Nutritious Noon Meal Organiser in Panchayat Union Primary School, Mullaikudi, in the light of the order passed by this Court in W.A.No.2728 of 2012 dated 31.07.2017 within the time limit stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mr.S.P.Maharajan,
Special Government Pleader for R1
Mr.A.K.Manikkam for R2
Mr.A.Mohan for R3

ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent dated 06.02.2018 and to quash the same and consequently direct the first respondent to appoint the petitioner as Nutritious Noon Meal Organiser in Panchayat Union Primary School, Mullaikudi, in the light of the order passed by this Court in W.A.No.2728 of 2012, dated 31.07.2017.



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2. The case of the petitioner is that she was participated in the selection process to the post of Nutritious Noon Meal Organiser for different Primary Schools of the entire District. Thereafter, she appeared for certificate verification cum interview on 02.03.2017 and produced all the certificates including the inter caste marriage certificate issued by the Tahsildar, Budalur Taluk and she has completed XII Standard and Diploma in Elementary Education. However, she was not selected, whereas the third respondent was selected. 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.163, Social Welfare and Nutritious Scheme Department, dated 18.08.2010, the candidates must be the resident within 3 kms. from the school and if beyond 3 kms., they are not eligible to apply for the said post. But, in the present case, contrary to the said G.O., the third respondent was appointed. Hence, he prayed for appropriate orders.



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4. The second respondent has filed a counter stating that in Budalur Block, 24 posts of Noon Meal Organiser were vacant in the non-minority Schools. Totally 18 persons including the petitioner had applied for the said post of Noon Meal Organiser. The interview was conducted on 02.03.2017 and the said post is allotted for BC (Priority Category) and the priority category should be filled up only through destitute widow as well as the deserted women and since the third respondent is the only person available, the appointment was given to the third respondent, which cannot be interfered with and he prayed for dismissal of this writ petition.

5. The third respondent has filed a counter stating that the post of Noon Meal Organiser in the Panchayat Union Middle School, Mullaikudi was reserved for Backward Class (Priority category). As per the said G.O. (Ms.)No.163, dated 18.08.2010, 25% of the sanctioned posts should be filled by widows / deserters. The third respondent is the destitute widow and she is aged about 39 years and a senior most person among the other candidates. Therefore, she was appointed under the priority category and



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there is no irregularity in appointing the third respondent. Moreover, she has been working as Noon Meal Organiser for the past five years without any adverse remarks. Hence, he prayed for dismissal of this writ petition.

6. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

7. The facts in the present case are not in dispute. Admittedly, the petitioner as well as the third respondent were participated in the selection process to the post of Nutritious Noon Meal Organiser at Panchayat Union Primary School, Mullaikudi, Budalur Panchayat Union, Thanjavur District. The said post is allotted for B.C. (Priority Category). The petitioner claims that she is coming under the priority category, sine she performed inter caste marriage. However, inter caste marriage is not coming under the priority category. The Notification clearly states that out of 100 %, 25% posts allotted to widow/deserted women. In the present case, the third respondent is the widow and having three children and at the age of 39 years, she has participated in the selection process and also earlier there is no eligible



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person available to fill up the said post. Therefore, for the backlog vacancy, the third respondent is the only person available and hence, she was given appointment. But the petitioner is aged about 25 years and she has an opportunity to participate in the selection process and the third respondent has no opportunity to participate in the selection process, since she crossed the age of 40 years as on date. As per the said G.O., maximum distance is 3 kms., whereas the third respondent is residing 5 kms. away from the school. Since no eligible candidate available within 3 kms., the third respondent was appointed, which cannot be interfered with by this Court.

8. In the result, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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To

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M.DHANDAPANI,J.

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