



W.P.(MD)No.4844 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:14.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4844 of 2018

and

W.M.P(MD)No.4851 of 2018

N.Sasikala

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Commissioner,
Radhapuram Panchayat Union,
Radhapuram,
Tirunelveli District.

3.The Headmaster,
TDTA Middle School,
Radhapuram.

4.Mrs.R.Sakthi

... 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 relating with the appointment order issued by the first respondent in Na.Ka.No.G9/47867/2016, dated 19.02.2018 in favour of the fourth respondent for the post of Nutritious Meal Organizer in the third respondent school and quash the same as it is illegal and in consequence to direct the first respondent to appoint the petitioner as a Nutritious Meal Organizer in the third respondent school.



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For Petitioner	: Mr.R.Suriyanarayanan
For R-1 to R-3	: Mr.J.Ashok, Additional Government Pleader
For R-4	: No Appearance

ORDER

This writ petition has been filed to quash the appointment order issued by the first respondent in Na.Ka.No.G9/47867/2016, dated 19.02.2018, in favour of the fourth respondent for the post of Nutritious Meal Organizer in the third respondent school as it is illegal and consequently, to direct the first respondent to appoint the petitioner as a Nutritious Meal Organizer in the third respondent school.

2. The case of the petitioner is that the petitioner belongs to Backward Christian Community. She possessed 10th standard qualification in the year 2003 and she got married with one Swamyraja and out of the wedlock, she got a female child on 27.10.2012. Even prior to the birth of the child, the petitioner's husband deserted her on 26.02.2012 without any reasonable cause and therefore, she was forced to live along with her old age parents and she is struggling for livelihood by doing jobs for meager wages. While being so, a vacancy arose in the post of Nutritious Meal Organizer in the third respondent school. Since the petitioner is a deserted woman and her



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residence is located very near to the school, on 15.05.2017, she made an application to the first respondent along with relevant certificates including priority certificate with regard to deserted woman. After detailed analysis, the third respondent forwarded five names including the petitioner's name for appointment to the post of Nutritious Meal Organizer. Pursuant to which, the petitioner was called for interview and produced the relevant documents. However, without assigning any reason, the first respondent appointed the fourth respondent, who is the non-resident of Radhapuram, but the resident of Parameswarapuram, as Nutritious Meal Organizer. Challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that even the comparative status of the petitioner and the fourth respondent, makes it clear that after completion of 10th standard, the petitioner attempted for Higher Secondary Examination and she is a deserted woman and resident of the same village whereas the fourth respondent, who was appointed as Nutritious Meal Organizer, is residing at Paramaeswarapuram, which is 4 kms., away from Radhapuram and she is a married woman and she will not come under the priority category. However, without considering the



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petitioner's poverty, the first respondent has rejected the petitioner's candidature and hence, the impugned order is liable to be interfered with and prays for allowing of this writ petition.

4. The learned Additional Government Pleader appearing for the official respondents would submit that the petitioner is aged 31 years years, whereas the fourth respondent is aged 35 years and considering the age criteria, the appointment is made and hence, there is no illegality or irregularity in the order passed by the first respondent and hence, prays for dismissal of this writ petition.

5. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the official respondents and perused the materials placed before this Court.

6. Though notice was served on the fourth respondent and name is printed in the cause list, no-one appeared on behalf of the fourth respondent either in person or through counsel.



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7. The participation of the petitioner as well as the fourth respondent for the post of Nutritious Meal Organiser is not in dispute and further, the non-selection of the petitioner and selection of the fourth respondent is also not in dispute.

8. The comparative status of the petitioner as well as the fourth respondent is as follows:

Name	Age	Marital status	Educational qualification	Residential place	Distance between the residence and the center	Annual income
N.Sasikala	31	Deserted woman	10 th , 12 th fail	Radhapuram	10 mtrs	Rs.36,000
R.Sakthi	35	Married	10 th	Parmeshwara puram	3 kms	Rs.60,000

9. The comparative status of the petitioner as well as the fourth respondent, makes it clear that the petitioner is a deserted woman and completed 10th standard and 12th standard fail and her residence is at Radhapuram within 10 mts. radius from the Centre and her annual income is Rs.36,000/- per annum, whereas the fourth respondent completed only 10th standard and a married woman and she is not fall under priority category.



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Further, the fourth respondent is non-resident of Radhapuram, but resident of Parameshwarapuram, which is 3 Kms. away from the Centre and her annual income is Rs.60,000/- which is above the petitioner. The above statements makes it clear that the petitioner is a better person than the fourth respondent. Without considering the petitioner's candidature, the appointment made by the first respondent in favour of the fourth respondent, is not sustainable one and therefore, the impugned order passed by the first respondent deserves to be set aside.

10. In the result, this writ petition is allowed and the impugned order passed by the first respondent, dated 19.02.2018, is hereby set aside. The first respondent is directed to appoint the petitioner in the Post of Nutritious Meal Organizer in the third respondent school at Radhapuram, within a period of four weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petition is closed.

14.02.2023

PM
NCC:Yes/No
Index:Yes/No



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M.DHANDAPANI,J.

pm

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