



W.P.(MD)No.7188 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)No.7188 of 2018
and
W.M.P.(MD)Nos.6917 and 6918 of 2018**

S.Vijayalakshmi

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2. The Personal Assistant to the District Collector,
Office of the District Collector,
Tiruchirappalli District,
Tiruchirappalli,

3. The Commissioner,
Panchayat Union,
Thottiyam,
Trichy District.

4. M.Usha

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent in his proceedings in செ.மு.எண்.ப6/995/2016 dated 26.03.2018 and quash the same as illegal.

(prayer amended vide Court order dated 04.04.2018 in W.M.P.(MD)No.7052 of 2018 in W.P.(MD)No.7188 of 2018 by RSKJ)

For Petitioner : Mr.Mohammed Sunail
for M/s.Ajmal Associates

For Respondents : Mr.G.V.Vairam Santhosh
Addl. Govt. Pleader for R1 to R3
Mr.R.Maheswari for R4

ORDER

The impugned order passed by the first respondent vide proceedings in செ.மு.எண்.ப6/995/2016 dated 26.03.2018, is under challenge in the present Writ Petition.

2. The case of the petitioner is that the petitioner belongs to MBC Category and she has passed 10th, Higher Secondary and B.Sc., (Chemistry)



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and her husband is an agricultural coolie. There is a vacancy in the cadre of Noon Meal Organizer at Panchayat Union Elementary School, Thottiyam Union, Trichy District. Based on the vacancy published in the newspapers, the petitioner has applied to the post of Anganwadi Workers and she was called for the interview scheduled to be held on 14.06.2017. However, the first respondent has mechanically rejected the petitioner's candidature, but appointed the fourth respondent as Noon Meal Organizer vide order, dated 26.03.2018. Challenging the appointment of the fourth respondent, the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that admittedly, the petitioner and the fourth respondent belonged to MBC Category. The petitioner was born on 19.07.1979, whereas the fourth respondent was born on 03.07.1989 and the fourth respondent is ten years younger than the petitioner. The petitioner has studied B.Sc., whereas the fourth respondent has studied 12th Standard. Hence, the petitioner is more suitable person than the fourth respondent to the post of Noon Meal Organizer Accordingly, he prayed for appropriate orders.



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4. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner belonged to MBC Ambalakarar, whereas, the fourth respondent belonged to MBC Vannar and she is the most downtrodden community. The fourth respondent is residing within 2 km from the Panchayat Union Elementary School and the petitioner is residing at a distance of 3 km from the said Elementary School. However, the petitioner's husband was working as Driver, whereas, the fourth respondent's husband was working as Salavai Thozhilali. Hence, considering the poverty and weaker section, the fourth respondent was appointed to the post of Noon Meal Organizer. Further, in the absence of interim order, the fourth respondent is working as Noon Meal Organizer till now. After a lapse of five years, disturbing the appointment of the fourth respondent is unsustainable one and it cause irregular loss to the fourth respondent. Accordingly, he prayed for dismissal of the Writ Petition.

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



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6. The comparative statement between the petitioner and the fourth respondent is given as below:-

Sl.No.	Details	Petitioner	fourth respondent
1.	Date of Birth	19.07.1979	03.07.1989
2.	Educational Qualification	B.Sc.	12 th
3.	Community	MBC Ambalakarar	MBC Vannar
5.	Residence	3 Km	2 Km.
6.	Marital status	Married	Married
7.	Occupation of Spouse	Driver	Salavai Thozhilai

7. It is seen from the records that the petitioner is ten years elder than the fourth respondent and both are married women. The petitioner belonged to MBC Ambalakarar, whereas, the fourth respondent belonged to MBC Vannar. The petitioner is residing at a distance of 3 Km from the Panchayat Union Elementary School whereas the fourth respondent is residing within 2 km from the Panchayat Union Elementary School. After considering the poverty, weaker section and the distance criteria, the Selection Committee has appointed the fourth respondent to the post of



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Noon Meal Organizer in the year 2018. After a lapse of five years, this Court cannot interfere with the impugned order of appointment of the fourth respondent and the prayer sought for in the present Writ Petition cannot be granted.

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

23.02.2023

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

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