



W.P(MD)No.9601 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.9601 of 2018
and
W.M.P(MD)Nos.8873 & 8874 of 2018

Kavitha

... Petitioner

Vs.

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Commissioner,
Thuraiyur Panchayat Union,
Thuraiyur,
Trichy District.
- 3.The Secretary/Correspondent,
Hindu Aided Elementary School,
G.Krishnapuram, Thuraiyur Taluk,
Trichy District.
- 4.Krishnaveni

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned Appointment order vide his



W.P(MD)No.9601 of 2018

proceedings in Se.Mu.No.Pa6/995/2016, dated 26.03.2018 passed by the first respondent and quash the same as illegal and consequently, direct the first respondent to appoint the petitioner in the post of Noon Meal Organizer in Hindu Aided Elementary School, Thuraiyur Union and Taluk, Trichy District.

For Petitioner	:Mr.M.Anandakumar
For R-1 & R-2	:Mr.S.P.Maharajan, Special Government Pleader
For R-3	: Mr.M.Saravanan
For R-4	: No Appearance

ORDER

This writ petition has been filed to quash the impugned appointment order issued by the first respondent in Se.Mu.No.Pa6/995/2016, dated 26.03.2018, as illegal and consequently, direct the first respondent to appoint the petitioner in the post of Noon Meal Organizer in Hindu Aided Elementary School, Thuraiyur Union and Taluk, Trichy District.

2. The case of the petitioner is that the petitioner participated in the selection process to the post of Noon Meal Organizer under the Puratchi Thalaivar M.G.R., Noon Meal Scheme in the third respondent



W.P(MD)No.9601 of 2018

WEB COPY

school at G.Krishnapuram. The second respondent called the petitioner for interview on 14.06.2017. The petitioner also participated in the interview along with original certificates. There are 35 eligible candidates applied for the said post. In the selection process, the fourth respondent was selected as a successful candidate. However, the petitioner's candidature was rejected. 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 the petitioner is a resident of the same village whereas the fourth respondent is a resident of Konapathai Village, which is situated , 7 kilometers away from the Noon Meal Centre. Further, the petitioner was aged 35 years at the time of selection and the fourth respondent was aged 25 years. However, without considering the said facts, the petitioner's candidature was rejected, which is not sustainable one and prays for appropriate orders.

4. Whereas the learned Special Government Pleader appearing for the official respondents, would submit that at the time of making application, the petitioner was employed as Block Coordinator and



W.P(MD)No.9601 of 2018

WEB COPY

received salary from the Government and suppressing the same, he made an application. Though the petitioner claimed that she is the resident of same village whereas the fourth respondent is the resident of the village, which is 7 kilometers away from the Noon Meal Centre, the fact is that the distance between the centre and the residence of the fourth respondent is 3 Kms only and therefore, as per G.O.Ms.No.163 (Social Welfare & Noon Meal Department), dated 18.08.2010, the fourth respondent is eligible to be appointed. Further, the annual income of the petitioner was Rs.91,000/-, whereas the annual income of the fourth respondent is Rs.15,000/- and the and hence, the appointment of the fourth respondent, is perfectly in order.

5. Heard the learned counsel appearing on either side and perused the materials produced before this Court.

6. The petitioner participated in the selection process for the Post of Noon Meal Organizer at Hindu Aided Elementary School, G.Krishnapuram, Thuraiyur Taluk, Trichy District. The petitioner's candidature was rejected and the fourth respondent was selected for the said post. According to the petitioner, she is the eligible



W.P(MD)No.9601 of 2018

WEB COPY

candidate than the fourth respondent. However, the fact remains that the fourth respondent fulfilled all the prescribed qualifications. Further, at the time of applying for the post of Noon Meal Organiser, the petitioner was employed as Block Coordinator and received salary from the Government. However, suppressing the said fact, the petitioner applied for the said post and even today, the petitioner is continuing in the post of Block Coordinator. In view of same, it is seen that the petitioner has not approached this Court with clean hands and therefore, the writ petition is not maintainable and the same deserves to be dismissed.

7. In the result, this Writ Petition is dismissed. No Costs.
Consequently, connected miscellaneous petitions are closed.

28.02.2023

NCC:Yes/No

Index: Yes/No

pm

To:

1.The District Collector,
Trichy District, Trichy.

2.The Commissioner,
Thuraiyur Panchayat Union,
Thuraiyur, Trichy District.



WEB COPY



W.P(MD)No.9601 of 2018

M.DHANDAPANI, J.

pm

W.P.(MD)No.9601 of 2018

28.02.2023