



W.P(MD)No.9801 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9801 of 2014

and

M.P(MD)No.1 of 2014

Perunthalaivar Kamarajar
Elementary School,
Represented by its Secretary,
Meenakshipuram,
Rajapalayam Taluk,
Virudhungan District.

... Petitioner

Vs

- 1.The Union of India,
Ministry and Human Resources
and Development,
Represented by its Secretary,
Department of School Education
and Literacy,
Shastri Bhavan,
New Delhi – 110 001.
- 2.The Government of Tamil Nadu,
Represented by its Secretary to Government,
Social Welfare and Nutritious



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Meal Programme Department,
Fort St.George,
Chennai – 600 009.

3.The Director of Social Welfare
And Noon Meal Programme Department,
Chepauk, (Old Engineering College Complex),
Chennai – 600 005.

4.The District Collector,
Virudhunagar Collectorate Building,
Virudhunagar,
Virudhunagar District.

5.The Commissioner,
Rajapalayam Panchayat Union,
Rajapalayam,
Virudhunagar District.

6.The District Elementary Educational Officer,
Virudhunagar Collectorate Building,
Virudhunagar,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to the order of the fourth respondent made in R3/16921/2013 dated 27.05.2014 and quash the same insofar as it denies the Puratchi Thalaiver MGR Noon Meals provided by the respondents 1 to 3 to the poor needy children belonging to the disadvantaged group and weaker section as defined under the Right to Free and Compulsory Education Act, 2009 and forming part of the objectives detailed in the Puratchi Thalaiver MGR Noon Meals Scheme, 1982 and direct the respondents to continue to provide the Noon Meal Under the Schme and



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programme in accordance with law in the petitioner's perunthalaivar Kamarajar Primary School, Meenakshipuram.

For Petitioner : Mr.M.Joseph Thatheus Jerome

For Respondents : Mr.C.Nandagopal for R.1

Mr.N.Satheesh Kumar
Additional Government Pleader
for R.2 to R.6

ORDER

Heard the learned counsel on either side.

2. The Social Welfare Department of the Government of Tamil Nadu had extended the benefits of the Midday Meal Scheme to the petitioner's School from 1993. Following audit objections, the District Collector, Virudhunagar issued impugned proceedings dated 27.05.2014 discontinuing the applicability of the Midday Meal Scheme to the petitioner's School. The ground set out in the impugned order is that the petitioner is not an aided institution. According to the Department, the Government Schools and the aided private schools alone are entitled to receive the benefits of the said scheme. The said scheme cannot be extended to unaided private school.



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3. I need not go into the validity of the impugned proceedings. This is because of certain subsequent developments. The writ petitioner had earlier filed W.P(MD)No.16414 of 2012 and following the direction given by this Court, as many as five teachers had been deployed to work in the petitioner school along with the post. The District Educational Officer had issued proceedings dated 06.04.2023 extending the affiliation given to the petitioner School along with aid. It can be seen from the said proceedings that the petitioner is treated as a Government aided non-minority school.

4.Thus, the ground on which the impugned order is resting is no longer available. It is set aside. I direct the respondents 3 and 4 to resume the Midday Meal Scheme for the petitioner school. This shall be done immediately and without delay. The learned counsel appearing for the petitioner states that in view of the grant of stay by this Court, the scheme had been continued in the petitioner school. The interim order earlier granted is made absolute.

5.This writ petition is allowed on these terms. No costs. Connected miscellaneous petition is closed.

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G.R.SWAMINATHAN, J.

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