



W.P.(MD).No.15191 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.11.2023

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.15191 of 2016

and

W.M.P.(MD).No.11196 of 2016

T.Pushpavalli

.. Petitioner

Vs.

1.The District Collector,
Trichirappalli District,
Trichirappalli.

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

3.The Correspondent,
CSI Primary School,
Woraiyur,
Trichirappalli.

4.R.Parameswari

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records of the impugned order of the 1st respondent dated 22.02.2016 made in RCN.



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6/231/15 and quash the same and consequently direct the 1st respondent to appoint the petitioner for the post of Noon Meal Organiser in the 3rd respondent school.

For Petitioner : Mr.P.Arun Jayatram
For R-1 : Mr.T.Amjad Khan
Government Advocate
For R-4 : Mr.C.Vakeeswaran
For R-2 & R-3 : No appearance

ORDER

The Writ Petition relates to appointment of Noon Meal Organiser.

2. The petitioner was working in the third respondent institution on temporary basis. Taking note of the fact that a vacancy has arisen, the respondents 1 and 2 had addressed a letter to the institution to forward the list of names. The second respondent, the Commissioner, Anthanallur Panchayat Union Office, Trichy forwarded a list of ten names to the third respondent with a request to select any one of them from the same. The third respondent School sent a letter to the second respondent on 28.01.2016, requesting for appointment of the writ petitioner as a Noon Meal Organiser. On 09.02.2016, the interview was conducted and the



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official respondents came to a conclusion that the fourth respondent is competent to be appointed as Noon Meal Organiser. Challenging the same, the present Writ Petition has been filed.

3. Heard Mr.P.Arun Jayatram, learned counsel for the petitioner, Mr.T.Amjad Khan, learned Government Advocate for the first respondent and Mr.C.Vakeeswaran, learned counsel for the fourth respondent.

4. The learned counsel for the petitioner would vehemently contend that the third respondent had sent a letter recommending the name of the writ petitioner on 23.02.2016 and this has been admitted by the District Collector in his counter affidavit in Paragraph No.4. According to him, it is surprising that an appointment was made even before the recommendation was received by the District Collector.

5. The learned Government Advocate appearing for the first respondent drew my attention to the order passed by this Court on 04.03.2021 in W.P.(MD).No.14578 of 2016. A perusal of the said order makes it clear that the third respondent had sent two letters, dated



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28.01.2016 and another dated 23.02.2016. In both the letters, the third respondent had recommended that one T.Pushpavalli, the writ petitioner, who had already been working as Noon Meal Organiser, should be continued in the said post. However, the District Collector had applied G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme (SW2) Department dated 18.08.2010 and assessed the performance, age and other criteria and came to the conclusion that the fourth respondent is better suited for appointment than the writ petitioner.

6. Apart from that, the order of this Court also reveals that interview took place on 09.02.2016. It is not the case where the fourth respondent was appointed de hors the process of law, but the fourth respondent and the writ petitioner along with other candidates were assessed and thereafter, the District Collector came to the conclusion that the fourth respondent is competent to be appointed. This is the result of the subjective satisfaction based on objective criteria and therefore, the point that the recommendation of the third respondent institution was not considered, does not arise. Apart from that, the order of this Court dated 04.03.2021 reveals that the interview was conducted on 09.02.2016 on the basis of the letter sent by the third respondent School on 28.01.2016.



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7. In the light of the above, I do not find any reason to interfere with the impugned order. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

15.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

The District Collector,
Trichirappalli District,
Trichirappalli.



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V.LAKSHMINARAYANAN,J.

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