



W.P.(MD).No.4195 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.4195 of 2016

and

W.M.P(MD)No.3756 & 3757 of 2016

Vivekananda Higher Secondary School,
Represented by its Secretary Swami Niyamananda,
Thirupparaithurai,
Trichy District.

... Petitioner

Vs.

1.The District Collector,
Trichy District.

2.The Personal Assistant to the District Collector,
Noon Meal Scheme,
Collector's Office,
Trichy District.

3.The Commissioner/Block Development Officer,
Thirupparaithurai Panchayat Union,
Thirupparaithurai Taluk,
Trichy District.

4.R.Nagammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,



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praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 1st respondent in favour of the 4th respondent passed in R.C.No.6/231/15 dated 19.02.2016 as the nutritious meal organizer in the petitioner's school and quash the same and consequently directing the respondents 1 to 3 to appoint nutritious meal organizer for the said school in accordance with G.O.Ms.No.294, Social Welfare and Nutritious Meal Programme (NMP 1) Department, dated 21.10.1993.

For Petitioner : Mr.T.Antony Arulraj

For R1-R3 : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The petition has been filed challenging the appointment order, dated 19.02.2016, wherein the 4th respondent was appointed as Nutritious Meal Organizer in the petitioner school with a consequential prayer to direct the respondents 1 to 3 to appoint the petitioner based on G.O.Ms.No.294, Social Welfare and Nutritious Meal Programme (NMP 1) Department, dated 21.10.1993.

2. Admittedly, the post Nutritious Meal Organizer fell vacant and the



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petitioner school appointed one Krishnaveni on 01.08.2014. The contention of the petitioner school is that without any information or consultation with the management, the 1st respondent has appointed the 4th respondent vide order dated 19.02.2016. Aggrieved over the same, the petitioner school has filed this writ petition stating the 1st respondent ought to have followed the procedure contemplated in G.O.Ms.No.294, dated 21.10.1993 and G.O.Ms.No.206, dated 13.09.1996.

3. It is seen from the records that the said appointment of the said Krishnaveni is on 01.08.2014. By this time, the government had issued G.O.Ms.No.4, Social Welfare and Nutritious Meal Programme (NMP-II) Department dated 06.01.2011. The G.O.Ms.No.4 was also upheld by the Hon'ble Division Bench in W.A(MD)No.107 of 2013, dated 28.10.2020. Therefore, the appointment ought to have been made only based on G.O.Ms.No.4. As per G.O.Ms.No.4, if it is a non-minority institution, the appointment shall be made only by the 2nd respondent that is P.A. to the District Collector. Therefore, the petitioner school has no right to claim that the appointment can be made by the school alone and hence, the claim of the



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school cannot be entertained. Hence, the Writ Petition is dismissed.

4. Pending writ petition if the 4th respondent was appointed as per G.O.Ms.No.4, then the 4th respondent shall be paid all salary and benefits as per rules.

5. With the above said observations, this Writ Petition stands dismissed.

No costs. Consequently, connected Miscellaneous Petitions are closed.

06.02.2023

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

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To

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S.SRIMATHY, J.

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