



W.P.(MD).Nos.4551, 4552, 4553, 4554 and 4555 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).Nos.4551, 4552, 4553, 4554 and 4555 of 2016
and**

W.M.P.(MD).Nos.4121, 4123, 4125, 4127 and 4129 of 2016

W.P.(MD).No.4551 of 2016

Hindu Primary School,
Therku Checchiyanallur,
Tirunelveli District,
Through its Secretary,
S.Ganapathy

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Personal Assistant to the Collector of Tirunelveli,
Noon Meal Scheme,
Tirunelveli.

3.The Commissioner of Panchayat Union,
Maanor Panchayat Union,
Tirunelveli District.

4.Ulaganayagi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for the



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entire records relating to the impugned proceedings of the first respondent in Na.Ka.No. 1519/3902/2016 dated 27.02.2016 appointing the fourth respondent as Noon Meal Organizer in the petitioner's school and quash the same and directing the first respondent to approve the appointment of Mrs.Seethalakshmi as Noon Meal Organizer in the petitioner school namely Hindu Primary School, Therku Chezhiyanallur, Tirunelveli District with all monetary benefits w.e.f 08.02.2016 as per the petitioner's representation dated 08.02.2016.

W.P.(MD).No.4552 of 2016

Hindu Middle School,
Sanganapuram Post,
T.Karunkulam Via,
Tirunelveli District - 627 114
Through its Secretary,
G.Sivamony.

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District.
- 2.The Personal Assistant to Collector of Tirunelveli,
Noon Meal Scheme,
Tirunelveli.
- 3.The Commissioner of Panchayat Union,
Valliyoor Panchayat Union,
Tirunelveli District.

4.Mutheeshwari

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned proceedings of the first respondent in



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Na.Ka.No. 1519/3902/2016 dated 27.02.2016 appointing the fourth respondent as Noon Meal Organizer in the petitioner's school and quash the same and directing the first respondent to approve the appointment of Mrs.Subbulakshmi as Noon Meal Organizer in the petitioner school namely Hindu Middle School, Sanganapuram Post, T.Karunkulam, Tirunelveli District with all monetary benefits w.e.f 08.02.2016 as per the petitioner's representation dated 08.02.2016.

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Hindu Primary School,
Valavandhapuram,
Cholapuram South Post,
Sankarankovil,
Tirunelveli District - 626 139
Through its Secretary,
S.Thirunavukarasu

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District.
- 2.The Personal Assistant to Collector of Tirunelveli,
Noon Meal Scheme,
Tirunelveli.
- 3.The Commissioner of Panchayat Union,
Sankarankovil Panchayat Union,
Tirunelveli District.

4.Esther

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the



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entire records relating to the impugned proceedings of the first respondent in Na.Ka.No. 1519/3902/2016 dated 27.02.2016 appointing the fourth respondent as Noon Meal Organizer in the petitioner's school and quash the same and directing the first respondent to call for the petitioner to submit list of candidates of 5 for the post of Noon Meal Organizer in the petitioner school namely Hindu Primary School, Valavandhapuram, Cholapuram South Post, Sankarankovil, Tirunelveli District.

W.P.(MD).No.4554 of 2016

M.V.T.Elementary School,
Sivagiri,
Tirunelveli District - 627 757,
Through its Secretary,
C.Balu.

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District.
- 2.The Personal Assistant to Collector of Tirunelveli,
Noon Meal Scheme,
Tirunelveli.
- 3.The Commissioner of Panchayat Union,
Vasudhevanallur Panchayat Union,
Tirunelveli District.

4.K.Kalai Selvi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned proceedings of the first respondent in



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Na.Ka.No. 1519/3902/2016 dated 27.02.2016 appointing the fourth respondent as Noon Meal Organizer in the petitioner's school and quash the same and directing the first respondent to call for the petitioner to submit list of candidates of 5 for the post of Noon Meal Organizer in the petitioner school namely M.V.T.Elementary School, Sivagiri, Tirunelveli District - 627 757.

W.P.(MD).No.4555 of 2016

S.R.P. Middle School,
Sivagiri Taluk,
Tirunelveli District - 627 757,
Through its Secretary,
V.Ramakrishnan.

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District.
- 2.The Personal Assistant to Collector of Tirunelveli,
Noon Meal Scheme,
Tirunelveli.
- 3.The Commissioner of Panchayat Union,
Vasudhevanallur Panchayat Union,
Tirunelveli District.

4.G.Murugeswari

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned proceedings of the first respondent in Na.Ka.No. 1519/3902/2016 dated 27.02.2016 appointing the fourth respondent as Noon Meal Organizer in the petitioner's school and quash the same and



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directing the first respondent to call for the petitioner to submit list of candidates of 5 for the post of Noon Meal Organizer in the petitioner school namely S.R.P. Middle School, Sivagiri Taluk, Tirunelveli District – 627 757.

(In all Writ Petitions):

For Petitioner : Mr.N.Vijayarajan
For R-1 to R-3 : Mr.P.Thambidurai,
Government Advocate.
For R-4 : No appearance

COMMON ORDER

The issue raised in all the Writ Petitions are one and the same. Hence, a common order is passed. The Writ Petitions have been filed to quash the appointment order of the private respondents with a consequential direction to call for the petitioner Schools to submit list of 5 candidates for the post of Noon Meal Organizer.

2. The Writ Petitions were filed by different Schools. The contention of the Schools is that a post of Noon Meal Organizer became vacant and the same were kept vacant for a long time. There were several children studying in the School, because of the vacancy the children were not benefitted by the noon



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meal scheme. In the meanwhile, several candidates had applied for the said post and the Schools have selected 5 qualified candidates and submitted the same for approval. The contention of the petitioner school is that without any information or consultation with the management, the private respondents herein were appointed. Aggrieved over the same, the petitioner school has filed these writ petitions stating that 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 impugned orders that the respondents issued an appointment order dated 27.02.2016 to the private respondents and directed the petitioner's School to allow the said candidates to work as Noon Meal Organizer. Aggrieved over the same, the Writ Petitions are filed. It is seen from the records that the said appointment of the private respondents is on 27.02.2016. In two writ petitions the school has issued appointment orders dated 08.02.2016 to private individuals and is praying to issue direction to the respondents to grant approval.

4. Before their appointments, the Government has already issued G.O.Ms.No.4, Social Welfare and Nutritious Meal Programme (NMP-II)



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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. Even if it is minority institutions the said G.O.Ms.No.4 is applicable. As per the said G.O. the appointment shall be made only by the 2nd respondent i.e. P.A. to District Collector. Therefore, the petitioner schools have no right to claim that the appointment ought to be made by the school alone. Hence, the claim of the schools cannot be entertained.

5. The Government has formulated a scheme to give noon meal to the children who were studying 1st to 5th Standards. This scheme was first implemented in the Government School. The Government was gracious enough to extend the said scheme to the aided Schools (both minority and non-minority) as well. Therefore, the Government created a post of Noon Meal Organizer. The said post was never ever sanctioned to the said School. It was considered as a post of the Government alone. When the Government is having every power to fill up the said post, then the School cannot usurp the power of the Government and fill up the post on their own. Therefore, the claim of the petitioner School cannot be entertained and the appointment order issued in the light of G.O.Ms.No.4 dated 06.01.2011 is legally valid.



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6. In view of the above observations, the Writ Petitions are dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

10.04.2023

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

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Personal Assistant to the Collector of Tirunelveli,
Noon Meal Scheme,
Tirunelveli.
- 3.The Commissioner of Panchayat Union,
Maanor Panchayat Union,
Tirunelveli District.
- 4.The Commissioner of Panchayat Union,
Valliyoar Panchayat Union,
Tirunelveli District.
- 5.The Commissioner of Panchayat Union,
Sankarankovil Panchayat Union,
Tirunelveli District.
- 6.The Commissioner of Panchayat Union,
Vasudhevanallur Panchayat Union,
Tirunelveli District.



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S.SRIMATHY, J.

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