



W.P.(MD)No.7287 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.7287 of 2016

and

W.M.P.(MD) No.6153 of 2016

Thiruvalluvar Kurukula Primary School
Represented by its Secretary,
M.Arun Kumar,
Devarayaneri, Thirunedunkulam,
Thiruverumpur, Trichy District.

... Petitioner

[Name of the petitioner is substituted, vide order of this Court, dated 28.082019]

Vs.

1.The Secretary to the government of
Tamil Nadu Social Welfare and
Nutrition Meals Department,
Secretariat,Chennai.

2.The District Collector,
Trichy District.

3.The Commissioner,
Panchayat Union,
Thiruverumbur, Trichy District.

4.R.Sumithra

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, calling for the records relating to the impugned order in R.C.N6/231/15 dated 19.02.2016 issued by the 2nd respondent and quash the same as illegal and consequently directing the 2nd respondent's to grant approval of the candidate namely S.Bhuvanmeswari W/o.Senthilvel selected by the School committee in the post of Noon Meal Organizer in the Thiruvalluvar Kurukula Primary School, Thiruverumbur, Trichy District within the period that may be stipulated by the Court.

For Petitioner : Mr.V.Palanichamy

For R-1 & R-2 : Mr.S.R.A.Ramachandran,
Additional Government Pleader

For R-3 & R-4 : No appearance

ORDER

This writ petition is filed challenging the impugned order, dated 19.02.2016 and consequential direction to the respondents to grant approval of the candidate namely S.Bhuvanmeswari W/o.Senthilvel, who was selected by the School committee in the post of Noon Meal Organizer.



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2. The school is a private non-minority aided institution. In the noon-meal organizer post one Paramasivam was working and he died on 03.12.2009. Immediately, the school management directed the school committee to advertise the vacant post in the newspaper and proceed with the selection process. The Government by taking vacancy into consideration has issued paper advertisement, dated 24.01.2016 for the post of noon meal organizer. In the meanwhile, the management had called for interview to the said post and selected one S.Bhuvaneswari and the school committee directed the Secretary to submit the proposal to the 2nd respondent for approval. But the request of the petitioner was not considered by the 2nd respondent. In the meanwhile, the 3rd respondent high handed sent an interview letter and the 2nd respondent has passed the impugned order. In the impugned order, one R.Sumithra was selected and appointed to the said post. Aggrieved over the same, the present writ petition is filed.

3. The contention of the petitioner is that the said post is vacant and the school is having power to fill up the vacancy without getting prior permission from the concerned authorities.



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4. The respondents have filed counter stating to fill up the post of Noon Meal Organizer in the 3rd respondent school as per order of the Government in DO ROC. No.35237/NMS-1/2012 dated 18.02.2015 applications were invited from the general public by issuing paper publication. Based on the reservation policy and educational qualification the applications were scrutinized and call letters were issued to the aspirants. Four candidates applied to the said post and two candidates attended the interview and by taking into consideration by all parameters such as qualification, age, family status, community and performance the 4th respondent was selected and appointed, vide order, dated 19.02.2016. The selection process was carried out based on the G.O.Ms.No.163, Social Welfare and Noon Meal Programme Department, dated 18.08.2000. The 4th respondent was aged about 37 years and studied up to 10th standard, and she hails from Hindu Kallar BC community, residing within 3 kms and destitute widow and hence, she was selected and appointed in the said post. Since the recruitment is in accordance with law, the claim of the petitioner cannot be considered. Hence, the respondents prayed to dismiss the writ petition.



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5. Heard Mr.V.Palanichamy, learned counsel appearing for the petitioner and Mr.S.R.A.Ramachandran, learned Additional Government Pleader for R-1 and R-2. Perused the material documents available on record.

6. The writ petition has been filed by totally misconstrued the issue. The school has literally usurped the post of Noon Meal Organizer as if post was allotted to them and it is a sanctioned post to the said school. The noble scheme of Noon Meal to school children was formulated by the Tamil Nadu Government, in order to feed poor children. The scheme was initially implemented to the Government schools. Subsequently, the Government extended the scheme to all the aided schools (minority and non-minority), so that the poor students who are studying in the aided schools would also benefit by the noon meal scheme. The Government initially appointed the said Noon Meal Organizer through G.O.Ms.No.294 Social Welfare dated 21.10.1993. The schools started treating teaching as if the post belongs to them along with the sanctioned posts of teaching and non-teaching staffs. The G.O.Ms.No.294 states the minority schools shall select candidates containing five candidates and circulate the same to the Collector, so that the Collector shall select the eligible candidate from the list and



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issue appointment order. The said method was misused in several places. Therefore, the Government came up with another G.O. in G.O.Ms.No.4 Social Welfare and Nutritious Meal Programme (NMP2) Department, dated 06.01.2011 and as per procedure stated in the said GO. the selection committee consisting of three members including the District Collector as one of the members. The committee will issue paper publication, calling for application, thereafter, based on the qualifications prescribed therein would select the candidates. Thereafter, the list containing five candidates would be circulated to the concerned school. The concerned school shall select the person from the said five members list. Thereafter, Personal Assistant to District Collector would issue appointment order.

7. Now the petitioner is seeking as if the said post belongs to them and seek an order from this Court which would be absolutely illegal and against the G.O.Ms.No.4 Social Welfare and Nutritious Meal Programme (NMP2) Department, dated 06.01.2011. The school has totally misconstrued the scheme and treating the post of Noon Meal Organizer as if it is allotted to the school and it is sanctioned post to the school. Therefore, the prayer sought for by the



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petitioner is absolutely against the G.O.Ms.No.4 Social Welfare and Nutritious Meal Programme (NMP2) Department, dated 06.01.2011, therefore, the writ petition is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
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To

- 1.The Secretary to the government of
Tamil Nadu Social Welfare and
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S.SRIMATHY, J

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**Order made in
W.P.(MD)No. 7287 of 2016**

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