



W.P(MD)No.8802 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P(MD)No.8802 of 2016

and

W.M.P.(MD)Nos.7009 & 7010 of 2016

Kanagavalli

... Petitioner

Vs.

1.The District Collector,
Theni District.

2.The District Project Officer,
Coordinated Child Development Services,
Theni, Theni District.

3.The Commissioner,
Theni Alli Nagaram Municipality,
Theni.

4.Vaiyamuthuselvi

... 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 records relating to the impugned order of the 1st respondent in Na.Ka.No. 209/2016/Vu.Va.11, dated 25.02.2016 quash the same and consequently direct the respondents 1 to 3 herein to appoint the petitioner in the post of Noon Meal Organizer in Kallar Middle School, Bommaya Goundanpatti, Theni as per seniority and senior most eligible candidates.



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For Petitioner : Mr.K.Appadurai
For R1 & R2 :Mr.T.Amjadkhan, Government Advocate
For R3 : Mr.G.Kaleeswaran, Standing Counsel
For R4 : Mr.Santhosh Kumar

ORDER

The writ petitioner challenges the order of appointment dated 25.02.2016 appointing the 4th respondent as a Noon Meal Organizer.

2.The petitioner claims that she completed her SSLC in April, 2012 and she states that she belongs to backward class community and desired to be appointed as Noon Meal Organizer, Theni District. The 1st respondent had advertised for 72 posts as Noon Meal Organizer and 29 posts of Assistant Cooks.

3.I have no concern with the case of the Cooks, as the petitioner and the 4th respondent only contested for the appointment to the post of Noon Meal Organizer. The age qualification for the said appointment should be 40 years on the cut off date, ie., 01.01.2016. The resident requirement was that Noon Meal Organizer should stay within three kilometers from the centre. According to the petitioner, she satisfied both the requirements and therefore, she ought to have been preferred to be appointed instead of 4th respondent.



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4.The learned counsel appearing for the petitioner would draw my attention to the proceedings of the 2nd respondent, dated 11.02.2016 wherein it has been stated that since there was an interim order passed by this Court, on vacating the said order, further notification will be issued by the District Collector. However, the 1st respondent issued the impugned order appointing the 4th respondent as Noon Meal Organizer and therefore, it is to be set aside.

5.Insofar as the proceedings dated 11.02.2016 issued by the 2nd respondent is concerned, it is only a communication issued stating that the District Collector had not yet made any appointment as there was an interim order by this Court. I am unable to accept the contention stating that by that letter, process of appointment selection which had been gone through, is nullified.

6.The learned Government Advocate appearing for the respondents 1 and 2 would submit that subsequently, the Writ Petition, which was referred in the proceedings dated 11.02.2016, was dismissed and therefore, the interim order that was granted stood vacated. That leaves out the issues of considering the relevant qualification of the petitioner and the 4th respondent. It is not in



dispute that the 4th respondent was aged about 33 years on the date on which the appointment order was issued. It is also not in dispute that the 4th respondent was residing within the distance fixed in the notification calling for applications. Apart from that the minimum requirement was 10th Standard passed, whereas the 4th respondent had acquired the qualification of 12th standard. Therefore, the 4th respondent satisfied the necessary qualification required for the post.

7.The learned counsel would then argue that, in the employment exchange, the petitioner is senior to the 4th respondent, therefore, she ought to have been appointed instead of the 4th respondent.

8.Mere registration in the employment exchange does not grant any right to employment. It only enables the persons, who registered with the employment exchange to be called for being considered in the process leading to appointment. It is not in dispute that the writ petitioner was called for interview and so as the 4th respondent and 18 other candidates. Out of the 18 candidates, 5 remained absent and from the 13 candidates, the competent authorities found that the 4th respondent is fit enough to be appointed as Noon Meal Organizer. That is the subjective satisfaction arrived at by the competent



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authority, which does not require any interference by this Court as it is not arbitrary or contrary to the rules.

9.Further, I have already found that the 4th respondent satisfied the requirement of the notification. Consequently, I am not in a position to interfere with the impugned order dated 25.02.2016 passed by the 1st respondent and therefore, the same is upheld. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

10.11.2023

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

Yuva

To

1.The District Collector,
Theni District.

2.The District Project Officer,
Coordinated Child Development Services,
Theni, Theni District.



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V.LAKSHMINARAYANAN, J

Yuva

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