



W.P(MD)Nos.26037 & 26038 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.11.2023**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.26037 & 26038 of 2022

M.P.Gunasekaran

... Petitioner
(In W.P(MD)No.26037 of 2022)

R.Mayandi

... Petitioner
(In W.P(MD)No.26038 of 2022)

Vs.

1.The Principal Secretary to Government,
Social Welfare and Women Empowerment Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Director,
Social Welfare and Women Empowerment Department,
Directorate, Pangal Maligai, 2nd Floor,
Saidapet, Chennai-600 015.

3.The Principal Secretary/Special Commissioner,
Integrated Child Development Scheme,
Tharamani, Chennai-600 113.

4.The District Project Officer,
Child Development Project,
Madurai District,
Madurai.

... Respondents
(In both cases)



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COMMON 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 proceedings issued by 2nd respondent in Na.Ka.No.32636/Nir.6(3)/2017, dated 20.05.2022 and quash the same and consequently direct the respondents 1 and 2 herein to grant promotion to the post of Record Clerk to the writ petitioner in the light of the recommendation made by the committee constituted under G.O.Ms.No.37, Social Welfare and Nutritious Scheme (Sa U Thi 2) Department, dated 28.02.2011 within time stipulated by this Court.

For Petitioners : Mr.AL.Kannan
(In both cases)

For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader
(In both cases)

COMMON ORDER

The present writ petitions have been filed by male Noon Meal Organizers challenging the order of the 2nd respondent, dated 20.05.2022 wherein their request for being promoted as Record Clerk was rejected on the ground that they are not Office Assistants to be promoted as Record Clerk.

2. The Government of Tamil Nadu has issued G.O.Ms.No.37, Social Welfare and Nutritious Scheme (Sa U Thi 2) Department, dated



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28.02.2011 appointing a committee to consider the request of Noon Meal Organizers for being promoted as Record Clerks. The Committee after considering various issues, had submitted its report on 06.07.2018. In the said report, the Committee has specifically found that the request of the male Noon Meal Organizers for promotion as Record Clerks may also be considered to an extent of 50%. The 1st respondent is the competent authority to decide whether to accept the said Committee report or not. Unless the said Committee report is accepted as a policy decision by the 1st respondent herein, the petitioner's request for being appointed as Record Clerk would not be feasible.

3. In the meantime, the 2nd respondent herein by his proceedings, dated 31.07.2023 has addressed a communication, requesting the Personal Assistants to District Collectors (Noon Meal) to collect optional letters from eligible persons, who have completed 10 years as Noon Meal Organizer for being appointed as Record Clerk in the Social Welfare Department. It is not known whether any policy decision has already been taken by the 1st respondent to appoint Noon Meal Organizers as Record Clerks.



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4. In view of the above said facts, the 1st respondent herein is directed to take a decision whether they are accepting the Committee report, dated 06.07.2018 and in case of acceptance of the said report, whether the male Noon Meal Organizer would also be eligible to be appointed as a Record Clerk or not. It is needless to point out that once women Noon Meal Organizers are permitted to be appointed as Record Clerk, there cannot be any discrimination as against the male Noon Meal Organizers.

5. In view of the above said facts, the 1st respondent is directed to take a call upon the report of the Committee, dated 06.07.2018 and communicate the same to the 2nd respondent for further proceedings within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above said observations, both the Writ Petitions stand disposed of. No costs.

02.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)Nos.26037 & 26038 of 2022

Dated:
02.11.2023