



W.P.No.14530 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.14530 of 2012

V.Revathi

... Petitioner

Vs.

1.The Collector of Krishnagiri District,
Krishnagiri.

2.The Block Development Officer,
Mathur,
Krishnagiri District.

3.Valarmathi

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent herein in Se.Mu.Na.Ka.No.1742/2011/X.1 dated 25.05.2012 and quash the same in so far the third respondent is concerned and direct the respondents 1 & 2 herein to consider the petitioner's application for the post of Noon Meal Organiser in Government High School, K.Ettipatti Village in Mathur Village, Krishnagiri District.

For Petitioner : Mr.S.V.Karthikeyan

For Respondents 1 to 2 : M/s.N.Senthil Selvi,

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Government Advocate

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For Respondent 3 : No Appearance

ORDER

This writ petition has been filed by the petitioner to call for the records of the first respondent herein in Se.Mu.Na.Ka.No.1742/2011/X.1 dated 25.05.2012 and quash the same in so far the third respondent is concerned and direct the respondents 1 & 2 herein to consider the petitioner's application for the post of Noon Meal Organiser in Government High School, K.Ettipatti Village in Mathur Village, Krishnagiri District.

2. Learned counsel for the petitioner submitted that the after completing her higher secondary school, the petitioner was married to one Azhagiri, who died in a train accident. Being a widow and having 9 months old male child, the petitioner has applied for the post of Noon Meal Organizer in K.Ettipatti Village vide notification dated 10.04.2012 issued by the second respondent. This being so, the third respondent was appointed as Noon Meal Organiser in the Government High School, K.Ettipatti. Hence, the petitioner has approached the second respondent and came to know that appointment was



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made by the first respondent in pursuance to the order of this Court in W.P.No.10435 of 2011 dated 01.07.2011. The third respondent has worked as Noon Meal Organizer in Periya Jogipatti Elementary School on daily wage basis and for want of vacancy, she was ousted from service. Thereafter, the third respondent joining with other similarly situated persons have filed the above writ petition and obtained a direction that their claim for re-appointment shall be considered by the respondents 1 & 2 whenever vacancy arises.

3. Learned counsel for the petitioner would further submit that while considering for the said appointment, the first respondent ought to have seen the qualifications prescribed in G.O.Ms.No.163, Social Welfare and Noon Meal Department, dated 18.08.2010. As per the said Government Order, preference shall be given to the widows and further the candidate shall reside within 3 Km distance to the place of appointment. Insofar, this case is concerned, the distance between the place of appointment and the residence of the third respondent is more than 5 Kms.

4. Learned counsel for the petitioner would further submit that as per



the order of this Court, the third respondent is entitled to be considered for re-appointment on vacancy arising in the same school, where she was working.

Even assuming that she shall be appointment in other schools, the qualification prescribed in the Government order shall be strictly followed. As far as the third respondent is concerned, vacancy has been notified in a school in Kodumandapatti Panchayat which shall be within the radius of 3 Kms as prescribed in Government Order. While so, the appointment of the third respondent is contrary to the orders of this Court. Hence, challenging the appointment order issued by the first respondent in Se.Mu.Na.Ka.No.17472/2011/X.1 dated 25.05.2012, the petitioner has come forward with the present writ petition.

5. The second respondent has filed a counter affidavit dated 12.07.2012. For better appreciation, the relevant paragraph is extracted hereunder:

“a) The petitioner has not made any application to the post of Noon Meal Organiser at K.Ettipatti Government High School. So she has no right to question the appointment.

b) The third respondent is a properly qualified person and living within a Kilometer distance from the school as



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required by the G.O.Ms.No.163.

c) This Hon'ble High Court has ordered on 01.07.2011 in Wr.P.No.10435/11 to given priority to third respondent in the appointment of Noon Meal Organiser so accordingly to that Hon'ble High Court's order, third respondent was appointed as per order of 1st respondent in Se.Mu.Na.Ka.No.17472/2011/X2 dated 25.05.2012.

d) There are no reasons to quash the appointment order of the third respondent.

e) First of all the petitioner is not an applicant to the post of Noon Meal Organizer at K.Ettipatti Government High School as she has no right to question the same.”

6. Heard the learned counsel on either side and perused the materials available on record.

7. In the case on hand, the petitioner is a widow and she has applied for the post of Noon Meal Organizer in K.Ettipatti Higher Secondary School. Pursuant to the recruitment notification issued by the second respondent dated 10.04.2012, the petitioner has applied for the said post and the same has also been received by the second respondent on 04.05.2012. As per the Annexure-V dated 10.04.2012, there was a vacancy for the post of Noon Meal Organizer in K.Ettipatti High School but in the counter affidavit filed by



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the second respondent, it is stated that the petitioner has not appeared for the said post and there is no such application received by the second respondent.

However, in the written instruction dated 01.02.2024 given by the second respondent to the Government Advocate, it is stated that as on date in Mathur Panchayat Union, there are 52 vacancies for the post of Noon Meal Organizer.

8. Since, the petitioner is a widow and having a 9 months old male child and also staying within a radius of 3 Kms, one of the conditions stipulated in G.O.Ms.No.163, Social Welfare and Noon Meal Department, dated 18.08.2010, the first respondent is directed to consider the case of the petitioner in the vacancy, which is available as per the written instruction of the second respondent dated 01.02.2024 and whenever the recruitment is called for for the post of Noon Meal Organizer in future.

9. In the result, this writ petition is disposed. No costs.

08.02.2024



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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

J.SATHYA NARAYANA PRASAD,J.

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To:

1.The Collector of Krishnagiri District,
Krishnagiri.

2.The Block Development Officer,
Mathur,
Krishnagiri District.

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