



W.P.No. 3049 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 28.02.2024

CORAM

THE HON'BLE MR.JUSTICE BATTU DEVANAND

W.P.No. 3049 of 2018
and WMP.No.35117 of 2018

Tamil Selvi

..Petitioner

Vs

1. The District Collector,
Dharmapuri District, Dharmapuri.

2. The Personal Assistant to District Collector
Noon Meal, Office of the District Collector,
Dharmapuri District, Dharmapuri.

3. Vasantha

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the second respondent in Pro.Na.Ka.No.1521/2016/X1 dated Nil.11.2017 quash the same and issue consequently directions to respondents 1 and 2 herein to appoint the petitioner as Cook Assistant in the Panchayat Union Elementary School, Kommanayanahalli Centre, Palacode Panchayat Union, Dharmapuri District.



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For Petitioner : M/s.R.Dhanasekar
For Respondents : Mr.L.S.M.Hasan Fizal
Addl. Government Pleader
For RR1 & 2
R3 served

ORDER

The writ petition has been filed seeking to quash the impugned order passed by the second respondent in Na.Ka.No.1521/2016/X1, dated Nil.11.2017 and consequently, direct the respondents 1 and 2 to appoint the petitioner as Cook Assistant in the Panchayat Union Elementary School, Kommanayanahalli Centre, Palacode Panchayat Union, Dharmapuri District.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the materials available on record. In spite of service of notice to the third respondent on 02.03.2018, there is no representation for the third respondent either in person or through counsel.

3. The case of the petitioner is that she is a widow, aged about 27



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years and she belongs to MBC community. The petitioner's husband died on 13.11.2009 and she has a daughter. It is the further case of the petitioner that she is doing coolie work and she has passed 8th standard and she is fully qualified for the post of Cook Assistant.

4. It is the further case of the petitioner that the first respondent has published a notification dated 08.03.2017 calling for applications to fill up the existing vacancies for the post of Cook Assistant. In response thereto, the petitioner has also submitted her application. The petitioner is residing well within 3 Kms. Radius from the work place prescribed in scheme of the said appointment. On 14.07.2017, the petitioner attended for interview. However, the 3rd respondent, vide his proceedings dated 14.11.2017, appointed the 3rd respondent as Cook Assistant, who is not a widow. Aggrieved by the said order, the petitioner has filed the present writ petition before this Court.

5. The learned counsel for the petitioner submits that the third respondent is residing for more than 3 Kms. from the Noon Mean Centre. Such appointment of the petitioner is in violation of the scheme prescribed in



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G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010. The petitioner has raised several grounds against the appointment of the third respondent stating that the petitioner is a widow.

6.The post of Cook Assistant is not earmarked for widows and therefore, the said ground is not available to the petitioner. The only ground to be considered is whether the third respondent is residing within 3 Kms. Radius, as prescribed in the G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010.

7. In the counter affidavit filed by the respondents, it is stated that the petitioner is residing beyond 3 Kms. from the work place, but the 3rd respondent is residing within 1 Km. from the noon meal centre. There are no other reasons stated in the counter for the appointment of the 3rd respondent. When the Court asked the learned Additional Government Pleader with regard to how the second respondent came to a conclusion that the third respondent is residing within 1 Km. distance from the work place. In



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order on merits and in accordance with the procedure prescribed under G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department, dated 16.08.2010, within a period of two weeks from the date of receipt of a copy of this order.

9. With the above observation and direction, the writ petition is allowed.

Consequently, connected miscellaneous petition is closed.

No costs.

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rli

Index : Yes/No

Internet: Yes/No

Speaking order/ Non speaking order



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BATTU DEVANAND, J

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