



W.P.No.14683 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 14.12.2023

PRONOUNCED ON : 13.03.2024

CORAM:

THE HON'BLE Dr. JUSTICE D.NAGARJUN

W.P.No.14683 of 2016

E.Karpagam

...Petitioner

versus

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Commissioner,
Arani West Panchayat Union,
Thiruvannamalai District.
- 3.B.Sumathi
- 4.T.Kavitha
- 5.S.Sangeetha
- 6.A.Kalaiselvi
- 7.T.Ramya

...Respondents.



W.P.No.14683 of 2016

WEB COPY

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to consider the claims of the petitioner and pass orders on the representation of the petitioner dated 14.03.2016 with regard to appointment to the post of the Noon Meal Organiser and grant all consequential benefits.

For Petitioner : Mr.K.Arumugam

For Respondents : M/s.C.Sangamithirai
Special Government Pleader for R1
: Mr.P.Chinnadurai for R2

ORDER

This writ petition has been filed seeking direction to the first respondent to consider the representation of the petitioner with regard to appointment of the post of Noon Meal Organiser.

2. The facts of the case in hand are that the petitioner is an unemployed destitute woman who applied for the post of Noon Meal Organiser enclosing all the relevant certificates to the second respondent and subsequently attended interview but was not selected for the post.



W.P.No.14683 of 2016

3. The learned counsel for the petitioner submitted that there are 15 vacancies earmarked to the West Arani Panchayat Union and the same have to be filled up by following the rule of reservation as per G.O.(Ms) No. 163, Social Welfare and Nutritious Meal Programme Department and that as per the G.O.(Ms) No.163, 5 posts of Noon Meal Organiser have to be filled up among the destitute woman/ widows.

4. The learned counsel for the petitioner submitted that the respondents did not follow the rule of reservation properly as laid down by the G.O.(Ms) No. 163 and as per the said G.O., 25% vacancies should be filled by widow and also destitute woman whereas in the present case only widow was considered and no vacancy was filled by the destitute woman. It is further submitted that the petitioner has given a representation and no reply has been received by the petitioner.

5. It is submitted by the learned counsel for the respondent that the petitioner cannot claim the confirmation of her selection as a matter of right just because she attended interview. It is also submitted that the contention of the petitioner being a destitute woman ought to have been



W.P.No.14683 of 2016

WEB COPY

selected is a misconception, as G.O.(Ms) No. 163 clearly states that, a reservation of 25% to both the category of widow/ destitute woman and not exclusively for destitute woman. It is further submitted that the selection process was done in a right way and therefore the representation given by the petitioner is not a valid one for consideration. It is further submitted by the learned counsel for respondent that the G.O.(Ms) No. 163 clearly states that the distance between the centre where the applicant is proposed to be appointed and the resident of the applicant should be within 3 Km radius whereas the petitioner's is above 3.5Km and therefore the respondents have adhered to the GO without any deviation.

6. Heard Mr.K.Arumugam, learned counsel for the petitioner, Ms.C.Sangamithirai, learned Special Government Pleader for the first respondent and Mr.P.Chinnadurai, learned counsel for the second respondent.

7. The petitioner has attended interview for the post of Noon Meal Organiser in Arani West Panchayat Union, on 24/2/2016 under the



W.P.No.14683 of 2016

category of “Destitute Women”. Interview was conducted for fifteen posts, out of which five posts have to be filled up either by Widow or Destitute Women.

8. One of the requirement for appointment for the post of Noon Meal Organiser in West Arani Panchayat, under the category of Destitute Women is that the applicant shall be residing within 3.5 kms radius from the place of work. The petitioner has not fulfilled the said requirement. Further, second respondent has clearly mentioned in the counter about the marks obtained by the petitioner and the marks obtained by other candidates, in each of the categories. 50 marks were ear marked were divided under various heads like educational qualification, age, community, distance, widow or destitute women, ex-service women, economic status, etc. The petitioner has got 30 marks whereas other candidates have got 25 marks. However, the petitioner was not selected for the reason that she has failed in one of the mandatory requirements of the distance of her residence from the place where she was expected to work. As per G.O.Ms.No.163 Social Welfare Department dated 18/8/2010, the residence of the petitioner and the



W.P.No.14683 of 2016

centre where she is expected to work shall not be more than 3.5 kms.

The residence of the petitioner according to the counter filed by the respondent is more than 3.5 kms, whereas, the other person by name Sumathi is within 3.5 kms. As per G.O., if there is no suitable candidate, within 3.5 kms, then the candidates beyond 3.5 kms will be preferred. Since the other candidate by name Sumathi is within the radius of 3.5 kms, the petitioner was disqualified in this context.

9. Since the petitioner was disqualified on the ground of distance of her house from the place of work. Therefore, the contention of the petitioner that though she was qualified in all respects, she was not considered for recruitment cannot be appreciated.

10. Further, the petitioner has filed the application for appointment of Noon Meal Organiser in the year 2016. This writ petition came up for hearing in the year 2024. According to the learned Special Government Pleader, that the scheme of Noon Meal Organiser has now changed and different schemes have come and many G.Os have been issued. Further, the recruitment, as per the Notification given in the year



W.P.No.14683 of 2016

WEB COPY

2016 has already been completed and persons who were selected must completed their turn. On the basis of this ground also, the petitioner's request cannot be considered at this stage.

11. In view of the above, this writ petition is dismissed. No costs.

13/3/2024

Index : Yes / No
Speaking/Non-speaking Order
Neutral Citations: Yes/No

jai/mvs.

To

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Commissioner,
Arani West Panchayat Union,
Thiruvannamalai District.



WEB COPY



W.P.No.14683 of 2016

Dr.D.NAGARJUN, J

jai/mvs.

Pre-delivery order made in
W.P.No.14683 of 2016

13/3/2024