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W.P.No.26597 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.26597 of 2011

and

M.P.No.1 of 2011

K.Anitha

...Petitioner

Vs

1.The District Collector,
Nutritious Meal Scheme Section,
Cuddalore.

2.The Block Development Officer,
(Panchayats),
Kammapuram,
Vridhachalam Taluk,
Cuddalore District.

3.The Selection Committee Rep.
by the Block Development Officer,
Kammapuram,
Vridhachalam Taluk,
Cuddalore District.

4.S.C.Vijayalakshmi
[R4 impleaded as per order dated
08.12.2011 in M.P.No.2/2011]

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Declaration, declaring that the appointment of the 4th respondent



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to the post of Noon Meal Organiser/Anganwadi worker as unconstitutional and ultravires and consequently direct the respondents to select the petitioner for appointment to the post of Noon Meal Organizer/Anganwadi worker in the place of the 4th respondent with effect from the date of appointment given to her.

For Petitioner : Mr.P.A.Arvinth Viveks for Ms.M.Srividhya

For Respondents : Mr.D.Gopal, Government Advocate (for R1 & R2)
Mr.S.Arunachalam (for R4)

ORDER

The Writ Petition is filed for declaring that the appointment of the 4th respondent to the post of Noon Meal Organiser/Anganwadi worker as unconstitutional and consequently direct the respondents to select the petitioner for appointment to the post of Noon Meal Organizer/Anganwadi worker in the place of the 4th respondent with effect from the date of her appointment.

2.The case of the petitioner is that petitioner was asked to appear for personal interview in respect of an advertisement notified by the 1st respondent on 23.02.2009. She appeared for the interview to the post of Noon Meal Organizer, MGR Nutritious Meal Centres. She was told that she would get appointment, but was not issued any appointment order. By memo dated 11.11.2010, she was called for interview for another selection. She attended



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interview on 19.11.2010. She was fully eligible to be selected for appointment to

the post of Noon Meal Organizer, but she was not issued any appointment order. She belongs to MBC category. Without following the Rule of Reservation and roster, they tried to fill the vacancy. It is further submitted that, instead of petitioner, 4th respondent was appointed. Despite having requisite qualification, petitioner was not appointed to the post of Noon Meal Organizer and the 4th respondent, who is not a qualified person was appointed.

3.In response, learned counsel for respondents 1 to 3 submitted that petitioner had referred two interviews, one for the post of Noon Meal Organizer, Uu.O.Tho.School, Kokkampalayam and another in Government Higher Secondary School, G.K.Colony. 4th respondent was appointed as Noon Meal Organizer in Government Higher Secondary School, G.K.Colony. Therefore, petitioner can only challenge the non selection for the post of Noon Meal Organizer, in respect of Government Higher Secondary School, G.K.Colony and not the non selection for the post of Noon Meal Organizer in Uu.O.Tho.School, Kokkampalayam. In view of the same, an amendment was made in the prayer.



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3.1.He further submitted that when interview was held for selecting Noon Meal Organizer, Government Higher Secondary School, G.K.Colony, petitioner had completed 41 years, 6 months and 15 days. She was overaged and therefore, she was not selected. Thus, 4th respondent was found suitable.

4.Learned counsel for the 4th respondent submitted that, 4th respondent was selected for the reason that she was found meritorious and suitable for the post.

5.Considered the rival submissions and perused the records.

6.From the petitioner's averments, prayer and submissions of the learned counsel for the parties, it is seen that petitioner had originally filed this petition, seeking Writ of Mandamus, directing the respondents to follow the Rule of Reservation, Roaster and seniority on the file of the District Employment Office, Cuddalore and select the petitioner for appointment to the post of Noon Meal Organizer. After finding that 4th respondent was selected for the post of Noon Meal Organizer in Government Higher Secondary School, G.K.Colony, the prayer was amended seeking Writ of declaration, declaring the the appointment of 4th respondent as unconstitutional and select the petitioner in the place of 4th



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respondent.

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7. In view of the amended prayer with regard to the selection for the post of Noon Meal Organizer, Government Higher Secondary School, G.K. Colony, and from the submissions of the learned counsel for 1st to 3rd respondents, this Court finds that on the date of interview, petitioner was aged 41 years, 6 months and 15 days. Thus, she was found not suitable to the post.

8. It is also stated that there is no Rule of Reservation or roster, applicable to the post and it is not necessary that this should be followed. In the written instruction in this regard sent by the Block Development Officer, Kammapuram addressed to the learned Government Advocate, it is stated that, “this particular post was earmarked for general category. Petitioner belongs to MBC category, cannot claim this post as a matter of right. As stated earlier she was overaged, therefore, she was disqualified and 4th respondent was appointed.” Thus, this Court finds that there is no reason to interfere with the appointment of the 4th respondent.

9. In such view of the matter, prayer for declaring that the appointment of



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the 4th respondent to the post of Noon Meal Organiser/Anganwadi worker as unconstitutional and consequently direct the respondents to select the petitioner for appointment to the post of Noon Meal Organizer/Anganwadi worker in the place of the 4th respondent with effect from the date of her appointment, cannot be considered.

10. Accordingly, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No
Speaking order/Non-speaking order
gd

To



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G.CHANDRASEKHARAN, J.



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