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W.P.No.23270 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.23270 of 2012
and M.P.Nos.1 & 2 of 2012

Rejisha

...Petitioner

-Vs-

1.The District Collector,
Perambalur District.

2.Indra

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus calling for the records of the respondents in connection with the impugned order passed by the 1st respondent in Na.Ka.No.414/2012 Sa.Oo.T-I dated 19.07.2012 and quash the same and direct the 1st respondent to appoint the petitioner as Noon Meal Organiser in Pillankulam Panchayat Union Middle School and pass such further orders.

For Petitioner : Mr.K.Venkatramani
for M/s.M.Muthappan

For Respondents : Mr.M.Rajendiran
Additional Government Pleader



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ORDER

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This writ petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order dated 19.07.2012, passed by the 1st respondent in Na.Ka.No.414/2012 Sa.Oo.T-I and consequently direct the 1st respondent to appoint the petitioner as Noon Meal Organiser in the Pillankulam Panchayat Union Middle School.

2. The case of the petitioner is that she belongs to the Adi Dravida (Paryar) community and residing at Pillankulam Village, Veppanthattai Taluk, Perambalur District. She had passed the 12th Standard and registered her name in the employment exchange vide registration No.PRD 2010F00043 dated 26.09.2010. The 1st respondent invited applications from eligible candidates for appointment to the post of Noon Meal Organiser in Pillankulam Panchayat Union Middle School at Veppanthattai Panchayat Union. The advertisement includes a post at Panchayat Union Middle School, Pillankulam. The petitioner who is a resident of Pillankulam submitted her application well within the stipulated time and the petitioner attended the interview on 18.07.2012. The petitioner satisfies all the necessary qualifications for appointment to the post of Noon Meal Organiser and she



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resides within the same village where the vacancy has arisen both educationally and in other aspects. The post has been earmarked for scheduled caste – arunthathiyar community and the petitioner is of the candidates belonging to the scheduled caste who applied for the post.

3. Learned senior counsel for the petitioner submitted that the 1st respondent in his proceedings dated 19.07.2012, has appointed the 2nd respondent as Noon Meal Organiser in the Panchayat Union Middle School, which is in violation of the conditions of the residential qualification etc. The 2nd respondent is residing at Kariyanur village which is situated about 7 km away from Pillankulam village. He further submitted that for the post of Noon Meal Organiser as per the Government Order in force, a person residing in the same work place is more preferable than a person residing in faraway place. The petitioner belongs to the scheduled caste community and is educationally qualified, besides having residential qualification for appointment to the post of Noon Meal Organiser, whereas the 2nd respondent though educationally qualified, is residing 7 km away from the work place and hence her appointment is in violation of the guidelines issued by the Government.

4. Learned senior counsel further submitted that the post of Noon



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Meal Organiser in a particular village is filled up in order to give opportunity to those who reside there in the same village or within 2 km from the work place. But at the same time, in the case of the 2nd respondent's husband, who is working as a Secretary, Kariyanur Milk Procedures Co-operative Society (PRD 64), she has sufficient income to maintain the family, whereas the petitioner's parents are illiterate, agricultural labourers and unable to make both ends meet. The petitioner after coming to know about the appointment of the 2nd respondent, made a representation on 23.07.2012 for which there was no response from the respondents. Aggrieved by the appointment of the 2nd respondent to the post of Noon Meal Organiser, the petitioner has come forward with the present writ petition.

5. A counter affidavit was filed by the 1st respondent on September 2012 and the relevant paragraph is extracted hereunder for better appreciation and understanding:

“6.It is submitted that a total of 52 candidates applied for the vacant post of Noon Meal Organiser, Panchayat Union Middle School, Pillankulam, which was earmarked for the category of scheduled caste-Arunthathiyar. Out of 52 applicants, 9 only belong to the Scheduled Caste – Arunthathiyar. Of them, 2 were submitted by the same persons, one was absent for the interview. At last 6 candidates only were at final consideration. The qualifications of above 6 candidates are as follows:



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Sl. No.	Name Candidates	Name of Residence Place/ Hamlet/ Village	Distance between the working place and residence place	Education Qualification	Age	Whether she eligible for the appointment, if no reason
1	Jeyanthi W/o.Vill Vijayan	Nerkunam	8 Km	Plus 2 Pass	39	No. Above 3 Km
2	Indiragandhi W/o.Selvaraj	Kariyanur	3 Km	SSLC Pass	27	Yes
3	Kanagam W/o.Alaguvel	Kaikalathur	5 Km	SSLC Pass	22	No. Above 3 Km
4	Sumathi W/o.Kasiraja	Pasumbalur	10 Km	SSLC Pass	22	No. Above 3 Km
5	Latha W/o.Shankar	Periyamma Palayam	15 Km	Plus 2 Pass	30	No. Above 3 Km
6	Suganthi W/o.Velmurugan	Pathangi	5 Km	SSLC Pass	23	No. Above 3 Km

Out of the 6 candidates belonging to Scheduled Caste Arunthathiyar, only one Tmt.Indiragandhi W/o.Selvaraj (herein 2nd respondent) was eligible fulfilling all the criteria including the distance between the working place and the residence place. Thereby she was appointed as the Noon Meal Organiser, Panchayat Union Middle School, Pillankulam.”

6. Learned Additional Government Pleader submitted that as per the notification issued by the 1st respondent/the District Collector, Perambalur District, the 2nd respondent was selected for the post of Noon Meal Organiser in the Panchayat Union Middle School, Pillankulam, that she belongs to the scheduled caste-arunthathiyar, whereas the petitioner belongs



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to the Adi Dravida (Paryar) community.

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7. Learned Additional Government Pleader further submitted that the 2nd respondent is residing at Kariyanur Village, which is 3 km from the centre and she fulfilled all other eligibility criteria, including communal rotation and was selected for the post of Noon Meal Organiser in the Panchayat Union Middle School, Pillankulam, as stipulated in G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department dated 18.08.2010.

8. Heard both sides and perused the materials available on record.

9. In view of the above submission made by the learned Additional Government Pleader, the 2nd respondent belonged to the scheduled caste-arunthathiyar whereas the petitioner belonged to the scheduled caste community. Hence, she is not eligible for appointment to the post of Noon Meal Organiser and this post is exclusively reserved for Scheduled Caste-Arunthathiyar as per the notification issued by the 1st respondent/the District Collector, Perambalur District. There were six people who appeared for the interview, in which the 2nd respondent only residing within 3 km from the



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centre. Hence, she was selected by the 1st respondent/District Collector, Perambalur District, which is in accordance with law.

10. In view of the factual matrix of the case, the order passed by the 1st respondent/the District Collector, Perambalur District, in Na.Ka.No.414/2012 Sa.Oo.T-I dated 19.07.2012, does not warrant any interference by this Court and the same is hereby confirmed. However, the 1st respondent/the District Collector, Perambalur District, is directed to consider the case of the petitioner since she belongs to a scheduled caste a downtrodden community and belongs to a poor family in the future recruitment.

11. In this regard, the petitioner is directed to make a representation to the 1st respondent/the District Collector, Perambalur District, within a period of two weeks from the date of receipt of a copy of the order and on receipt of the same, the 1st respondent shall consider it on merits in accordance with law and pass appropriate orders within a

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period of six weeks. While considering the case of the petitioner, the 1st



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respondent may also take into consideration that the petitioner belongs to a scheduled caste a downtrodden community and belongs to a poor agricultural family.

In the result, the **writ petition stands disposed of with the above direction.** No costs. Consequently, connected miscellaneous petitions are closed.

04.03.2024

cda
Index : Yes/No
Speaking/Non Speaking Order

To

The District Collector,
Perambalur District.

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