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Writ Petition No.20240 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

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THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.20240 of 2018
& WMP.Nos.23736 & 23737 of 2018

Murugaveni

..Petitioner

vs.

1.State of Tamilnadu,
rep. by its Principal Secretary to Government,
Social Welfare and Nutritious Meal Programme Department,
Fort St. George,
Chennai-600 009

2.The District Collector,
O/o. The Collectorate,
Cuddalore District.

3.The Block Development Officer,
Panchayat Union Office,
Kammapuram,
Cuddalore District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records sequel to the notification issued by the second respondent vide SE.VE.EN.20, dated 11.07.2018 bearing Na.Ka.En.Pidi1/298/2016, dated 09.07.2016 and to quash the same and consequently direct the respondents to fill up the post of Nutrition Organizer in respect of 25% of vacancy as per



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the Government Order no.163, dated 18.08.2010 issued by the first respondent/Social Welfare and Nutritious Meal Programme (Sa.uthi2) Department and further direct the respondents to consider and appoint the petitioner to the post of Nutrition Organizer by considering her experience and qualification.

For Petitioner : R.Thirumoorthy

For Respondents : Mr.L.S.M.Hasan Fizal, AGP for R1 to 3

ORDER

This Writ Petition has been filed seeking for appointment to the post of Nutrition Organizer on promotion from the post of Cook Assistant.

2.A detailed counter affidavit has been filed by the respondents.

3. Further, an additional counter affidavit is filed, wherein, it is stated that the petitioner had been initially appointed as Cook Assistant on 12.11.2007 and she had not completed 10 years of service in order to get eligible for the promotion to the post of Noon Meal Organizer, under the 25% quota for in-service candidates as stipulated in G.O.(Ms.)No.163, dated 18.08.2010. The petitioner had not been granted promotion in 2017-2018,



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since she had not completed 10 years of service as on the date of Notification dated 30.01.2017. It is also stated in the counter affidavit that the petitioner has been promoted to the post of Noon Meal Organizer from the post of Cook Assistant, while she was working at Panchayat Union Middle School, Chinnakottimoolai, Kammapuram Panchayat Union, vide proceedings in Na.Ka.No.PT1/9477/2019, dated 30.06.2020 by the second respondent. The third respondent has issued appointment orders on 01.07.2020, posting the petitioner at Aided Primary School, Peruvapoor, Kammapuram Panchayat Union and she is working as such till date.

4. Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the relief as sought for by the petitioner in the present Writ Petition has already been granted to the petitioner and nothing survives for further adjudication and sought to close the Writ Petition.

5. Having considered the facts and circumstances of the case, it is clear that the petitioner did not qualify for consideration of her claim for promotion under the 25% quota for in-service candidates in 2017-18, since



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she had not completed 10 years of service as on the date of notification.

However, during pendency of the Writ Petition, the petitioner has been promoted by order dated 30.06.2020 of the second respondent and now she is working as Nool Meal Organizer at Aided Primary School, Peruvapoor, Kammapuram Panchayat Union and continuing as such till date. In view of the above factual position, I am of the considered view that no further adjudication is required in the present Writ Petition.

6. Accordingly, the Writ Petition is closed. No costs. Consequently connected miscellaneous petitions are closed.

12.03.2024

Index : Yes/No

Speaking order: Yes/No

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To

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BATTU DEVANAND, J

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