



W.P.No. 24617 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM:

THE HON'BLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P.No.24617 of 2012

and

W.M.P.No. 1 of 2012

E.Vanitha

...Petitioner

Vs

1. The District Collector,
Perambalur District,
Perambalur.
2. The Commissioner/
Block Development Officer,
Veppur Panchayat Union,
Veppur, Perambalur District.
3. The Correspondent/Secretary,
Manya Elementary School,
Keelaperambalur,
Veppur Panchayat Union,
Kunnam Taluk,
Perambalur District.

4. N.Lakshmi

...Respondents



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Prayer: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent in relating to the appointment of the fourth respondent Viz., N.Lakshmi, W/o. Narayanan, as Noon Meal Organizer in the centre of third respondent school viz., Manya Elementary Aided School, Keelaperambalur, Perambalur District, in Sl.No. 27, which was published in the first respondent's website and quash the same, consequently directing the first respondent to follow the selection list dated 03.07.2012 and appoint the petitioner as Noon Meal Organizer at the third respondent school.

For Petitioner	:	No appearance
For R1 & R2	:	Mr.M. Rajendiran Additional Government Pleader
For R3	:	No appearance
For R4	:	Mr.R.Selvakumar

ORDER

This writ petition is filed seeking for Certiorarified Mandamus, to quash the appointment of the fourth respondent Viz., N.Lakshmi, W/o. Narayanan, as Noon Meal Organizer in the center of third respondent school viz., Manya Elementary Aided School, Keelaperambalur, Perambalur District, in Sl.No. 27,



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which was published in the first respondent's website and consequently directing the first respondent to follow the selection list dated 03.07.2012 and appoint the petitioner as Noon Meal Organizer at the third respondent school.

2.The case of the petitioner is as follows:-

2.1 The first respondent/District Collector issued notification that called for the applications to the post of Noon-meal Organizer from the eligible persons in Perambalur District and for the said post the first respondent fixed eligible criteria that the person should have a basic qualification of SSLC and should be aged between 25 to 40 years and they should reside within 3 Kms from the posting place and also the respondent given preference for women and widow. The petitioner applied for the said post of Noon Mean Organizer in the centre of Manya Elementary School, Keelaperambalur third respondent aided school along with all necessary documents to the second respondent in the said centre was allotted to the general category. The petitioner is residing in the same village and the petitioner is fully qualified for the said post and the petitioner is belongs to Backward Class community.



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2.2 On 22.06.2012, the second respondent issued a interview letter to the petitioner to appear the interview for the post of Noon Meal Organizer. On 03.07.2012 at 10 AM, the petitioner appeared before the Committee at Veppur Panchayat Union Office and the petitioner produced all the relevant records i.e., school certificate, community certificate, income certificate, nativity certificate, ration card etc., and in the said interview apart from the petitioner there were other 53 candidates attended the interview for the said post but the fourth respondent namely N.Lakshmi, w/o Narayanan was never applied nor attended the interview on the said date along with the petitioner.

2.3 As stated that three persons were selected and recommended to the first respondent for appointment of the said post by selection committee on 03.07.2012 namely (1) Visalakshi, (2) S. Vasanthi and (3) E.Vanitha. The said persons were not consider by the first respondent, selected and issued appointment order in favour of the fourth respondent as Noon Meal Organizer of third respondent school in the District Collector's website. The said selection made by the first respondent in favour of the fourth respondent is



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arbitrary and violation of the Government Orders relating to appointment of aided school.

3. The first respondent has filed counter affidavit in September 2012 and and the relevant paragraphs are extracted here under:-

“12. With regard to the contention of paragraph 4 of the affidavit filed by the petitioner that the first respondent did not consider the list submitted by the selection committee and per contra, issued appointment order in favour of 4th respondent, it is submitted that Government informed that there is no selection committee for the appointment of Noon Meal Organizer and hence any committee is not at all constituted. The Correspondent, Aided Elementary School runs by non-minority institution, Keelaperambalur, who has no special provision to recommend any person for the appointment, sent a list of recommendation of 3 names. Out of 3 person, 2 including the petitioner are not eligible since they are residing above 3 Kms from the place of appointment. The 3rd one was considered on par with other person fulfilled the eligibility criteria. Any list received from the non-minority institution would not bind the 1st respondent as per G.O.(Ms).No. 4,



Social Welfare and Nutritious Meal Programme Department, dated 06.01.2011. The order of appointment of 4th respondent as Noon Meal Organizer does not violate any rules and procedures laid down in this regard.

16. It is submitted that the averments made in ground 'f' and 'g' of the affidavit that the fourth respondent did not apply for the post and attend the interview, the order of appointment of 4th respondent is not sustainable either on law or on the facts of the case, is not correct. The 4th respondent applied her application on 10.07.2012 and attended interview held on 19.07.2012. The petitioner was not eligible based on the distance between her residence and the place of appointment. The 4th respondent was appointed among the eligible person so as to ensure that 3% reservation is given to the differently abled person. Any rules and procedures are not violated in the process of appointment of 4th respondent as Noon Meal Organizer."

4. There is no representation for the petitioner. Heard the learned Additional Government Pleader appearing for the first and second respondent and learned counsel for the fourth respondent.



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5. In the instant case, the Correspondent, Aided Elementary School runs by non-minority institution, Keelaperambular, who has no special provisions to recommend any person for the appointment, sent a list of recommendation of 3 names. Out of 3 person, 2 including the petitioner are not eligible since they are residing above 3 kms from the place of appointment. The 3rd one was considered on par with other person fulfilled the eligibility criteria and any list received from the non-minority institution would not bind the first respondent as per G.O.(Ms).No. 4, Social Welfare and Nutritious Meal Programme Department, dated 06.01.2011. Hence, the order of appointment of fourth respondent as Noon Meal Organizer does not violate any rules and procedures laid down in this regard.

6. It is also submitted in the counter affidavit filed by the first respondent that the fourth respondent has applied on 10.07.2012 and attended interview held on 19.07.2012, since the petitioner was not eligible based on the distance between her residence and the place of appointment. The fourth respondent was appointed among the eligible person so as to ensure that 3% reservation is given to the Differently Abled Persons.



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7. In view of the above factual matrix of the case, the orders passed by the first respondent in relating to the appointment of the fourth respondent namely N.Lakshmi, W/o. Narayanan, as Noon Meal Organizer in the centre of third respondent school namely Manya Elementary Aided School, Keelaperambalur, Perambalur District, in Sl.No. 27 does not warrant any interference by this Court and the same is hereby confirmed.

8. In the result, this writ petition stands dismissed. No costs.

05.03.2024

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Index: Yes/No

Speaking Order : Yes/No

Neutral case citation: Yes/No



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To

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J.SATHYA NARAYANA PRASAD, J.

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