



WEB COPY



W.P.No.25079 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.25079 of 2012

S.Kala

...Petitioner

-Vs-

1.The Collector,
Dharmapuri, Dharmapuri District.

2.Tmt.C.Renuka Devi

...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, to call for the records relating to the impugned order of the 1st respondent in Na.Ka.No.11393/2012/X-1 dated 21.08.2012 and quash the same and direct the 1st respondent to appoint the petitioner as Noon Meal Organiser at the Panchayat Union Primary School, Kurumbarkottai with effect from the date of the impugned order and grant all consequential benefits to the petitioner.

For Petitioner : Mr.P.Rajendran

For R1 : Mrs.N.Senthil Selvi
Government Advocate

For R2 : No appearance



W.P.No.25079 of 2012

ORDER

WEB COPY

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order of the 1st respondent vide Na.Ka.No.11393/2012/X-1 dated 21.08.2012 and direct the 1st respondent / The Collector, Dharmapuri District, to appoint the petitioner as Noon Meal Organiser at the Panchayat Union Primary School, Kurumbarkottai, with effect from the date of the impugned order and grant all consequential benefits to the petitioner.

2. The case of the petitioner is that she fully qualified for appointment to the post of Noon Meal Organiser and has passed HSC (+2) course and belongs to the Most Backward Community. The Block Development Officer (BP), Karimangalam Panchayat Union sent an interview letter to the petitioner vide Na.Ka.No.2055/2012/A4 dated 30.07.2012, directing the petitioner to appear for an interview for recruitment to the vacant post of Noon Meal Organiser at the Panchayat Union Primary School Kurumbarkottai on 08.08.2012 with the certificates mentioned in the said interview letter. Interview letters were sent to the candidates who had submitted applications for appointments including the petitioner.

3. Learned counsel for the petitioner submitted that she appeared in



W.P.No.25079 of 2012

the interview held on 08.08.2012 and resides in the same village namely Kurumbarkottai village where the vacancy was to be filled up. As per G.O.Ms.No.163 Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010, the applicants to the post of Noon Meal Organiser should reside within 3 km radius from the centre where the vacancy is to be filled up.

4. Learned counsel further submitted that the 1st respondent has appointed the 2nd respondent, who is residing at Ramapuram at a distance of more than 12 km from Kurumbarkottai village (the centre where the vacancy was to be filled up). This is contrary to the mandatory condition prescribed in G.O.Ms.No.163 Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010. Therefore, the appointment of the 2nd respondent is illegal and arbitrary.

5. Learned counsel for the petitioner submitted a copy of the residence certificate of the petitioner vide S.No.1498 dated 26.05.2012. According to which the petitioner is residing in the same village namely, Kurumbarkottai the centre where the vacancy was to be filled up. Aggrieved by the order passed by the 1st respondent dated 21.08.2012, the petitioner has approached this Court by way of filing the present writ petition.



W.P.No.25079 of 2012

WEB COPY

6. Learned Government Advocate appearing for the 1st respondent submitted a copy of the residence certificate of the 2nd respondent, vide S.No.742 108 (A2) dated 08.05.2008, who was appointed to the post of Noon Meal Organiser in which it is mentioned that she is residing in Ramapuram H/o.Periyanchalli, Palacode Taluk, Dharmapuri District, and the residence certificate was also issued by the Village Administrative Officer, Periyanchalli, Palacode Taluk, Dharmapuri District.

7. Learned Government Advocate further submitted that the 2nd respondent is a widow. That is the sole reason to consider the 2nd respondent for appointment to the post of Noon Meal Organiser by the 1st respondent / The Collector, Dharmapuri District.

8. Learned Government Advocate appearing for the 1st respondent submitted written instructions of the P.A. Nutritious Meal to the Collector, Dharmapuri District, vide 3134/2019/எக்ஸ்1 dated 28.02.2024, in which it is stated that in the Panchayat Union Primary School, Kurumbarkottai, the post of Noon Meal Organiser has been vacant since 21.09.2020.



W.P.No.25079 of 2012

WEB COPY

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

10. It is an admitted fact that the petitioner belongs to the same village, namely, Kurumbarkottai village and has fulfilled all the eligibility conditions as stipulated in G.O.Ms.No.163 Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010. **As per the above-mentioned Government Order, the candidates must reside within 3 km radius from the centre where the vacancy was filled up, but however the 1st respondent has selected the 2nd respondent only on the sole ground that she is a widow and the appointment is of the year 2012 and has been working for the last 12 years. Therefore, this Court is not inclined to interfere with the appointment of the 2nd respondent. The age of the petitioner at the time of filing the writ petition was 24 years as on date, she is 36 years and the age limit for appointment in the General category is 40 years and for the Scheduled Caste, it is 45 years as per G.O.Ms.No.163 Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010.**

11. In view of the above submission, this Court is not inclined to interfere with the appointment of the 2nd respondent and the order



W.P.No.25079 of 2012

passed by the 1st respondent vide Na.Ka.No.11393/2012/X-1 dated 21.08.2012 is hereby confirmed.

12. However, taking into consideration the age of the petitioner, she may be considered by the 1st respondent / The Collector, Dharmapuri District, when the recruitment is called for to fill up the vacancy in the future since she has already been called for the interview in the year 2012, though she belongs to the same village. The petitioner was not considered due to the fact that the 2nd respondent is a widow.

13. In view of the above factual matrix of the case, the 1st respondent/ Collector, Dharmapuri District, may consider the case of the petitioner for appointment in the said vacancy if she fulfilled all the eligibility conditions as stipulated in G.O.Ms.No.163 Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010.

In the result, the writ petition stands disposed of with the above observation and direction. No costs.

18.03.2024

cda

Index : Yes/No



W.P.No.25079 of 2012

Speaking/Non Speaking order

WEB COPY

To

The Collector,
Dharmapuri, Dharmapuri District.

J.SATHYA NARAYANA PRASAD, J.

cda



WEB COPY



W.P.No.25079 of 2012

W.P.No.25079 of 2012

18.03.2024