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W.P. No.25122 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2024

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THE HONOURABLE MR. JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P. No.25122 of 2012

U.Sakunthala

.. Petitioner

Vs.

1.The Personal Assistant (Noon Meal)
to the Collector, Vellore,
Vellore District.

2.Santhanam

.. Respondents

Writ petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order of the first respondent in Na.Ka.No.633/2012/PG1 dated 03.09.2012 and quash the same and direct the first respondent to appoint the petitioner as Cook Helper at the Panchayat Union Primary School, Marudhambakkam with effect from the date of the impugned order and grant him all consequential benefits.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.P.Ganesan,
Addl. Govt. Pleader for R1

ORDER

Challenging the order of the first respondent in Na.Ka.No.633/2012/PG1 dated 03.09.2012 and for a consequential



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direction to the first respondent to appoint the petitioner as Cook Helper at the Panchayat Union Primary School, Marudhambakkam with effect from the date of the impugned order and grant him all consequential benefits, the present writ petition has been filed.

2. The case of the petitioner is that she belongs to Most Backward community and she is fully qualified for appointment to the post of Cook Helper, having passed 8th standard. The Commissioner, Walajah Panchayat Union sent an interview letter to the petitioner vide Na.Ka.No.1466/2012/A5 dated 16.08.2012 directing the petitioner to appear for interview for recruitment to the vacant post of Cook Helper at the panchayat union primary school Marudhambakkam on 01.09.2012 with certificates mentioned in the said interview letter and the interview letter was sent to the candidates who have submitted applications for appointment including the petitioner. The petitioner appeared for interview on 01.09.2012 and she is residing in the place where the vacancy has to be filled up and as per G.O.Ms.No.163 Social Welfare and Nutritious Meal Programme Department dated 18.08.2010, the person who applies to the post of Cook Helper should reside within 3 kms distance from the centre where the vacancy to be filled up. While so, the first respondent has appointed the second respondent



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who is residing at Kondakuppam village at a distance of 6.8 kms from Marudhambakkam (centre where the vacancy to be filled up) contrary to the mandatory provisions prescribed in the above said Government Order. The second respondent issued the impugned order in Na.Ka.No.633/2012/PG1 dated 03.09.2012 appointing the second respondent as Cook Helper. Aggrieved by the appointment order issued to the second respondent, the petitioner has come forward with the present writ petition.

3. Counter affidavit was filed by the first respondent/Personal Assistant (Noon Meal) to the District Collector Vellore. Learned Government Advocate appearing for the first respondent submitted that there were totally three candidates who appeared for the interview on 01.09.2012 and among the said three candidates, the second respondent herein was selected as Cook Helper for the panchayat union primary school, Marudhambakkam since she is a widow and had reached 35 years. Though in G.O.Ms.No.163 Social Welfare and Nutritious Meal Programme Department dated 18.08.2010 it is stated that the person who applies for the post of Cook Helper should reside within 3 kms distance from the place where the vacancy has to be filled up however preference should be given to the widows for the



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appointment to the said post. He further submitted that as far as the present case is concerned, the petitioner is not a widow and she is aged about 29 years only and she may get another chance since she is younger than second respondent whereas the second respondent is a widow aged about 35 years and this is her last chance for getting the post. Hence she was considered and appointment order was issued to her by the first respondent herein.

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

5. The main contention of the petitioner is that the second respondent who was appointed to the post of Cook Helper is not residing within 3 kms and she is staying 6.8 kms away from Marudhambakkam Panchayat Union Primary School where the vacancy has to be filled up and this is the only ground on which the writ petition has been filed by the petitioner seeking to quash the order passed by the first respondent appointing the second respondent as Cook Helper.

6. The first respondent's contention is that the second respondent was considered for appointment to the post of Cook



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Helper on three grounds and they are (1) she is a widow, (2) she is aged 35 years and senior to the petitioner (since 35 years is the age limit for the post for which she was selected) and (3) as per G.O.Ms.No.163 Social Welfare and Nutritious Meal Programme Department dated 18.08.2010 preference should be given to widows.

7. Since the appointment of the second respondent was considered by the first respondent on above three grounds and considering the fact that the petitioner was appointed in the year 2012 and working for the past 12 years, this Court is not inclined to interfere with the order of the first respondent appointing the second respondent as Cook Helper and the same is hereby confirmed.

8. In the result, the writ petition is dismissed. No costs.

31.01.2024

Index:Yes/No
Neutral Citation: Yes/No
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To

The Personal Assistant (Noon Meal)
to the Collector, Vellore,
Vellore District.



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J.SATHYA NARAYANA PRASAD,J.,

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