



W.P.No.25925 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.25925 of 2012
and M.P.No.2 of 2012

C.Valli

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Department of Social Welfare & Nutrition,
Secretariat,
Chennai – 600 009.

2.The Personal Assistant to District Collector,
(Noon Meals),
Dharmapuri.

3.Kalaivani

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Na.Ka.No.11393/2012/X1, dated 21.08.2012 on the file of the second respondent appointing the third respondent as Assistant of Noon Meals Centre in Panchayat Union Primary School, Semmanthittu, Dharmapuri and quash the same and consequently direct the second respondent to appoint the petitioner as Assistant at Noon



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Meals Centre in Panchayat Union Primary School, Semmanthittu.

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For Petitioner : No Appearance

For Respondent 1 : Mr.M.Rajendiran,
Additional Government Pleader

For Respondent 2 : M/s.N.Senthil Selvi,
Government Advocate

ORDER

This writ petition has been filed by the petitioner to call for the records relating to the impugned order in Na.Ka.No.11393/2012/X1, dated 21.08.2012 on the file of the second respondent appointing the third respondent as Assistant of Noon Meals Centre in Panchayat Union Primary School, Semmanthittu, Dharmapuri and quash the same and consequently direct the second respondent to appoint the petitioner as Assistant at Noon Meals Centre in Panchayat Union Primary School, Semmanthittu.

2. Learned counsel for the petitioner submitted that the petitioner has applied for the post of Noon Meals Organisers/Cooks/Assistants in the Government Aided Schools in Dharmapuri District, notified by the second



respondent and she has also attended the interview which was held on 09.08.2012. However, the third respondent has been appointed as Assistant at Semmanthittu Noon Meals Centre.

3. Learned counsel for the petitioner would further submit that as per G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010, the candidates should reside within the distance of three kilo metres from the Noon Meal Centre. However, in the case on hand, the third respondent is a residence of Eachamppallam Village, Seeriyanaahalli Post, Palacode Taluk, which is four kilometres away from Semmanthittu Noon Meals Centre, where the post is notified. Hence, the third respondent has been appointed by violating the condition stipulated in G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010.

4. Learned Government Advocate appearing for the second respondent has submitted a counter affidavit. According to which, the interview was conducted for the post of Noon Meal Cook and Helper on 09.08.2012. Totally 10 persons were applied for the post of Noon Meal Helper at



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Panchayat Union Elementary School, Semmanthittu Village and 9 of them were attended the interview. The third respondent viz., Kalaivani has secured 23 marks, which is the highest mark and the petitioner S.Valli has got 22 marks. Hence, the third respondent had been selected to the post based on the report of the interview team. He has also submitted a proceeding in Na.Ka.No.2739/2021/A4, dated 19.03.2024 issued by the Union Overseer of Palakod Panchayat Union.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts of the case is not in dispute. The only contention of the learned counsel for the petitioner is that though the petitioner has fully qualified for the post and fulfilled all the conditions stipulated in G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010, the second respondent has appointed the third respondent, who is residing four kilometres away from the Noon Meal Centre for the post of Assistant at Semmanthittu Noon Meal Centre. Hence, the only



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question on hand is to decide whether the third respondent is residing within three kilometres, which is stipulated in the aforesaid Government Order dated 18.08.2010.

7. In this regard, the learned Government Advocate appearing for the second respondent has submitted a proceedings in Na.Ka.No.2739/2021/A4, dated 19.03.204 issued by the Union Overseer of Palacode Panchayat Union, wherein, it is stated that the distance between the petitioner's residence to Panchayat Union Primary School, Semmanthittu is 20 metres, whereas the third respondent resides only 1.87 metres from the Noon Meal Centre i.e., Panchayat Union Primary School, Semmanthittu.

8. In view of the above, it is crystal clear and evident that the third has not violated any conditions stipulated in G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010 and she is fully qualified/eligible for the post of Assistant at the Noon Meal Centre in the Panchayat Union Primary School, Semmanthittu. Thus, the order passed by the second respondent in Na.Ka.No.11393/2012/X1, dated 21.08.2012 does



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not warrant any interference by this Court and the same is hereby confirmed.

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

Consequently, connected miscellaneous petition is also closed.

27.03.2024

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation Yes/No

J.SATHYA NARAYANA PRASAD,J.

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To:

- 1.The Secretary,
Department of Social Welfare & Nutrition,
Secretariat,
Chennai – 600 009.
- 2.The Personal Assistant to District Collector,
(Noon Meals),
Dharmapuri.

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