



W.P.No.8585 of 2018

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

W.P.No.8585 of 2018
and
WMP.No.18634 of 2019

Jothi ... Petitioner
Vs

1.The Principal Secretary to Government
Department of Social Welfare and
Noon Meal Programme (NMP)
Secretariate, Chennai – 600 002.

2.The Director,
Social Welfare and Nutrition Scheme,
Thiruvika Industrial Estate,
Guindy, Chennai – 600 032.

3.The District Collector, Villupuram,
Villupuram District.

4.The Block Development Officer,
Block Development Office,
Kallakurichi Union, Villupuram District,
Pin Code – 606 202.

5.P.Priya ... Respondents

PRAYER: The writ petition has been filed under Article 226 of the



W.P.No.8585 of 2018

Constitution of India for issuance of a writ of declaration declaring the 5th respondent were appointed as a Noon Meals Organizer at Kallakurichi Panchayat Union Primary School of Narikuravar Colony, Neelamangalam Village that is to be null and void and subsequently, direct the respondents to appoint the petitioner as a noon meals Organizer at Kallakurichi Panchayat Union Primary School of Narikuravar colony, Neelamangalam Village.

For Petitioner ... Mr.M.Devaraj
for Ms.A.Jayanthi

For Respondent ... Mr.L.S.M.Hasan Fizal
Nos.1 to 4 Additional Government Pleader

Respondent No.5 ... No appearance

ORDER

This writ petition has been filed to declare the appointment of the 5th respondent as a Noon Meals Organizer at Kallakurichi Panchayat Union Primary School of Narikuravar Colony, Neelamangalam Village is to be null and void and subsequently, direct the respondents to appoint the petitioner as a Noon Meals Organizer at Kallakurichi Panchayat Union Primary School of Narikuravar colony, Neelamangalam Village.

2.The case of the petitioner is that the third respondent called for applications to fill up vacancies of various Noon Meal Centres for the



W.P.No.8585 of 2018

WEB COPY

year 2017. The petitioner submitted an application for the post of Noon Meal Organiser at Kallakurichi Panchayat Union Primary School of Narikuravar Colony, Neelamangalam Village. Interviews were conducted on 31.01.2017. The petitioner participated in the said interview. Without following the Government norms, the fifth respondent was appointed as Noon Meal Organizer at Kallakurichi Panchayat Union Primary School of Narikuravar Colony, Neelamangalam Village by the third respondent. Challenging the appointment of the fifth respondent, the petitioner has been constrained to file this writ petition.

3.The learned counsel appearing for the petitioner contends that the appointment of the fifth respondent was made arbitrarily at the influence of the political leaders. Further, he contends that the petitioner is a highly qualified candidate than the fifth respondent and the petitioner is a resident of 2.5 km from the Noon Meal Centre and the fifth respondent is also resident of that village but she could not submit the distance certificates of her residence from the Noon Meal Centre.

4.On behalf of the official respondents, a counter affidavit has been



W.P.No.8585 of 2018

WEB COPY

filed, wherein, it is stated that Narikuravar Colony Neelamangalam Panchayat Union Elementary School was earmarked for Backward Class Community as per reservation roaster. After the receipt of the applications from such candidates, interview was conducted on 31.01.2017 and the respondent Nos. 1 to 4 had well followed the procedure provided under the relevant Government Order issued by the Government and they selected the fifth respondent and appointed her for the post of Noon Meal Organizer in the said school.

5. The learned Additional Government Pleader contends that the selection process was duly followed as per the procedure provided under the relevant Government Order issued by the Government and the petitioner failed to raise any valid ground against the appointment made by the third respondent.

6. In spite of service of notice, there is no representation for the fifth respondent.

7. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent



W.P.No.8585 of 2018

Nos.1 to 4.

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8.Upon careful perusal of the materials available on record, it appears that basing on the recommendations of the selection committee, the third respondent appointed the fifth respondent as Noon Meal Organizer of the said school. One of the unsuccessful candidates in the selection process, the petitioner now filed this writ petition challenging the appointment of the fifth respondent. But the petitioner failed to raise any valid ground to show that appointment of the fifth respondent made by the third respondent is contrary to the Government Orders issued from time to time.

9.The first ground raised by the petitioner is that she is highly qualified than the fifth respondent. But in the opinion of this Court, when the fifth respondent had possessed the basic qualification, then the appointment authority need not consider the higher qualification possessed by the petitioner.

10.The second ground raised by the petitioner is that at



W.P.No.8585 of 2018

WEB COPY

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BATTU DEVANAND,J.

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W.P.No.8585 of 2018

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