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W.P.No.26040 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.26040 of 2012

and

M.P.No.2 of 2012

Smt.Jayalakshmi

...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. Smt.Kalaivani

...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 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 2nd respondent appointing the 3rd respondent as Cook Assistant of Noon Meal Centre in the Panchayat Union Primary School, Semmanthittu, Dharmapuri and quash the same and consequently direct the 2nd respondent to appoint the petitioner as Cook Assistant at Noon Meal Centre in the Panchayat Union Primary



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School, Semmanthittu, Dharmapuri, and pass such further orders.

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For Petitioner : No appearance
For R1 : Mr.T.Chezhiyan
Additional Government Pleader
For R2 : No appearance

ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order dated 21.08.2012, passed by the 2nd respondent in Na.Ka.No.11393/2012/X1, appointing the 3rd respondent as Cook Assistant of Noon Meal Centre in the Panchayat Union Primary School, Semmanthittu, Dharmapuri, and consequently direct the 2nd respondent to appoint the petitioner as Cook Assistant at Noon Meal Centre in the Panchayat Union Primary School, Semmanthittu, Dharmapuri.

2. Today, 02.02.2024, when the matter was taken up for hearing, there was no representation on behalf of the petitioner.

3. The case of the petitioner is that she has studied up to IX Standard and belongs to MBC Community. The 2nd respondent invited applications from eligible candidates to fill up vacancies for the post of Cook



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Assistant at Noon Meal Centre in the Panchayat Union Primary School, Semmanthittu, Dharmapuri. The petitioner was called for an interview, which was held on 09.08.2012 in the 2nd respondent's office. At the time of interview, documents of the petitioner such as nativity certificate and community certificate, were also verified. Along with the petitioner, other candidates also appeared and attended the interview for the post of Cook Assistant of Noon Meal Centre in the Panchayat Union Primary School, Semmanthittu.

4. The vacancies pertain only to Panchayat Union Primary School, Semmanthittu. The petitioner is a resident of a village by name, Belrampatti Village, Thirumalvadi Post, Palacode, Dharmapuri District, which is situated within 3 km from the Noon Meal Centre, which is an essential and important criterion apart from age and educational qualifications for appointment to the said post. Moreover, the petitioner is a widow, and her husband served in the Indian Army and died while on duty. However, the 3rd respondent was appointed as Cook Assistant of Noon Meal Centre in the vacancy at Panchayat Union Primary School, Semmanthittu, who is a resident of Eachampallam Village, Seeriyahalli Post, Palacode Taluk, which is



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situated 4 km away from Semmanthittu Noon Meal Centre.

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5. As per G.O.(Ms).No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010, prescribing certain qualifications in order to be eligible to be appointed as Noon Meal Organisers/Cooks/Assistants in Noon Meal Centres in Government/Government Aided Schools all over the State of Tamil Nadu, the candidate must be within a radius of 3 km from the Noon Meal Centre, for which he or she has applied for the post of Noon Meal Organisers/Cooks/Assistants. Though the petitioner is residing within 3 km from where the vacancy lies, the 3rd respondent, who is 4 km away from the Noon Meal Centre, has been appointed as Cook Assistant by the 2nd respondent, and the same is in violation of G.O.(Ms).No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010. Aggrieved by the appointment of the 3rd respondent as Cook Assistant in the Noon Meal Centre at the Panchayat Union Primary School, Semmanthittu, the petitioner has come forward with the present writ petition.

6. A counter affidavit was filed on behalf of the 2nd respondent and



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the relevant paragraph is extracted hereunder:

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“It is submitted that interview for the post of Noon Meal Cook and Helper had been conducted on 09.08.2012 with 16 team consisting of 1 Block Development Officer, 1 Assistant Elementary Education Officer and 1 Assistant Director Level Officer for each team. Totally 10 persons were applied for the post of Noon Meal Helper at Panchayat Union Elementary School, Semmanthittu Village, and 9 of them were attended the interview. Tmt.Kalaivani, w/o Munivel, got 23 marks which is the highest mark and the petitioner Tmt.Jayalakshmi, w/o Devendran (late) got 20 marks as awarded by the interview team. Hence, Tmt.Kalaivani, w/o Munivel had been selected to the post based on the report of the interview team. As per G.O.Ms.No.203 persons within a radius of 10 km can be selected, if there is no eligible hand with in the radius of 3 kms despite, in the same village or panchayat. As such there is no violation of any G.Os. Transparency was maintained in conducting the interview”

7. Learned Additional Government Pleader for respondents 1 and 2 submitted that the petitioner had an educational qualification of IX Standard, whereas the 3rd respondent studied XII Standard. Moreover, the petitioner namely, Smt.Jayalakshmi, secured 20 marks, and the 3rd respondent namely, Tmt.Kalaivani, secured 23 marks. Based on the above-mentioned two grounds, the 3rd respondent was appointed.

8. Learned Additional Government Pleader for respondents 1 and 2 further submitted that the counter affidavit filed by the 2nd respondent itself stated that, as per G.O.(Ms).No.203, persons within a radius of 10 km can be selected if there is no eligible hand within the radius of 3 km despite being in



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the same village or panchayat. But subsequently, as per G.O.(Ms).No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010, issued by the Government, it is stated that the candidate must reside within a radius of 3 km from the Noon Meal Centre, for which the candidates have been called for an interview.

9. Heard the learned Additional Government Pleader for respondents 1 and 2 and perused the materials placed on record.

10. In the case on hand, the notification for the interview was called by the 2nd respondent for the post of Cook Assistant at the Panchayat Union Elementary School, Semmanthittu Village. Both the petitioner and the 3rd respondent were applied for the said post. Accordingly, the petitioner resides within 3 km whereas the 3rd respondent resides at 4 km from the Noon Meal Centre. The educational qualification of the petitioner is IX Standard and the 3rd respondent studied up to XII Standard. In the interview, the petitioner 20 marks and the 3rd respondent secured 23 marks and based on the above grounds, the 2nd respondent selected the 3rd respondent for the post of Cook Assistant at the Noon Meal Centre in Panchayat Union Primary



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School, Semmanthittu, Dharmapuri, based on the marks obtained by the 3rd respondent and as per G.O.(Ms).No.203.

11. In view of the above facts and circumstances of this case, this Court is not inclined to interfere with the order passed by the 2nd respondent in Na.Ka.No.11393/2012/X1 dated 21.08.2012, appointing the 3rd respondent as Cook Assistant of Noon Meal Centre in the Panchayat Union Primary School, Semmanthittu, Dharmapuri, is hereby confirmed.

12. In the result, the writ petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Speaking/Non Speaking order



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J.SATHYA NARAYANA PRASAD, J.

cda

To

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

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