



W.P.No.26570 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

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

Writ Petition No.26570 of 2012
and M.P.No.2 of 2012

S.Poorni

... Petitioner

Vs.

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

2.The Correspondent,
IELC Middle School, Pernampet Range,
Melpatti, Gudiyatham Taluk,
Vellore District, Pin:-635 805.

3.R.Kala

... 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 of the first respondent in Na.Ka.No.633/2012/PG-1 dated 03.09.2012 and quash the same and direct the first respondent to appoint the petitioner as Cook Helper at the Noon Meal Centre in the second respondent school with effect from the date of the impugned order and grant him all consequential benefits.



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

For Respondents 2 & 3 : No appearance

ORDER

The petitioner has filed this writ petition to call for the records relating to the impugned order of the first respondent in Na.Ka.No.633/2012/PG-1 dated 03.09.2012 and quash the same and direct the first respondent to appoint the petitioner as Cook Helper at the Noon Meal Centre in the second respondent school with effect from the date of the impugned order and grant him all consequential benefits.

2. Learned counsel for the petitioner submitted that the petitioner has applied for appointment to the post of Cook Helper at the second respondent/school, which is an aided Minority School. Thereafter, the petitioner was called for interview by the call letter dated 16.08.2012, issued by the Commissioner, Pernampet Panchayat Union and the interview was held on 01.09.2012. Moreover, the second respondent/school has also recommended the name of the petitioner for appointment to the said post.



However, the first respondent has issued an order in Na.Ka.No.633/2012/PG 1, dated 03.09.2012, appointing the third respondent, whose name was not at all recommended by the second respondent/school. Challenging the appointment order of the third respondent dated 03.09.2012, the petitioner has come forward with the present writ petition.

3. Learned Additional Government Pleader appearing for the first respondent would submit that as per G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010, there is no condition stipulated that the person whose name has been recommended by the minority institution should be considered and given priority in the appointment to the post of Cook Helper.

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

5. The main contention of the petitioner is that her name has been recommended by the school, which is a minority institution. Hence, she must



be considered for the post of Cook Helper. As rightly pointed by the learned Additional Government Pleader appearing for the first respondent, there is no condition stipulated in G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010 that a person should be considered and given priority in the appointment to the post of Cook Helper if he/she has been recommended by the minority institution. However, the age of the petitioner at the time of filing this writ petition is 23 years and now, she is 35 years old. As per the aforesaid Government Order, the maximum age limit for the post of Cook Helper is 40 years. Hence, her case shall/may be considered when the notification is issued for future vacancy.

6. In view of the above factual matrix of the case, this Court directs the first respondent to consider the case of the petitioner when notification is issued for the future vacancies, if she fulfills all the eligibility conditions as stipulated in G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010.

7. This writ petition is disposed of with the above said observation and direction. No costs. Consequently, connected miscellaneous petition is also



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closed.

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

To:

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to the Collector,
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J.SATHYA NARAYANA PRASAD,J.

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