



W.P.No.1050 of 2018

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM:

THE HON'BLE MR.JUSTICE BATTU DEVANAND

W.P.No.1050 of 2018

and

WMP.Nos.1267, 1268 of 2018 & 36618 & 33711 of 2024

R.Surya

...

Petitioner

Vs.

1.The District Collector,
Villupuram District,
Villupuram.

2.The Block Development Officer,
Mugaiyur Panchayat Union,
Manampoondi, Villupuram District.

3.The Commissioner,
Mugaiyur Panchayat Union,
Manampoondi, Villupuram District.

4.M.Kamala

5.The Correspondent,
Danish Mission Elementary School,
Melvalai Village, Kandachipuram Taluk,
Villupuram District.

...

Respondents



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PRAYER: Writ petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records on the file of 1st respondent in Na.Ka.No.BE4/533/2016-1 dated 21.12.2017 and quash the same and consequently, directing the 1st respondent herein to select and appoint the petitioner as Nutritious Meal Organizer at Danish Mission Elementary School, Nutritious Meal Center, Melvalai Village, Kandachipuram Taluk, Villupuram District as per the interview and selection conducted by the 2nd and 3rd respondents on 06.09.2016 and subsequent recommendation by 5th respondent dated 27.06.2017.

For Petitioner : Mr.J.Selvarajan

For Respondent : Mr.J.Ravindran
Nos.1 to 3 Additional Advocate General
Assisted by Mr.P.Anandakumar
Government Advocate

For Respondent ... Mr.S.Seenuvasan
No.4

For Respondent ... Mr.K.Sathyabal
No.5

ORDER

This writ petition has been filed against the appointment of the fourth respondent as Nutritious Meal Organizer in the fifth respondent School vide proceedings of the first respondent dated 21.12.2017.



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2.The facts of the case are that the selection process was conducted for appointment of Nutritious Meal Organizer in the fifth respondent School by the first and second respondents. The petitioner is one of the applicants. The first respondent issued proceedings dated 27.12.2017 for appointing the fourth respondent as Nutritious Meal Organizer in the fifth respondent School, aggrieved by the same, the present writ petition has been filed.

3.The case of the petitioner is that as per applicable rules, the first respondent has to appoint one of the candidates from the list recommended by the fifth respondent School. Without following the rules, the first respondent appointed the fourth respondent, whose name is not included in the list recommended by the fifth respondent. As such, the appointment of the fourth respondent is contrary to G.O.Ms.No.4, Social Welfare and Nutritious Meal Programme Department, dated 06.01.2011.

4.The learned counsel appearing for the fifth respondent would submit that they have recommended the names by way of a letter dated 27.06.2017 to the first respondent as per the rules, but without considering the names recommended by them, the first respondent appointed the fourth respondent as Nutritious Meal Organizer in the fifth respondent School.



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5.The learned counsel appearing for the respondents 1 to 3 would submit that the appointment of the fourth respondent is based on the recommendation of the fifth respondent School only. In the said recommendation letter dated 22.06.2017, as the fourth respondent's name was included, the fourth respondent was appointed as Nutritious Meal Organizer in the fifth respondent School.

6.In reply, the learned counsel appearing for the fifth respondent School submits that they had never sent a letter dated 22.06.2017 to the first respondent and the said letter is fabricated. To enquire into the same, they made a representation to the first respondent on 08.01.2018 but without conducting any enquiry, they appointed the fourth respondent as Nutritious Meal Organizer in the fifth respondent School.

7.After hearing the contention of the learned counsel appearing for the fifth respondent, this Court had directed the respondent Nos.1 & 2 to place the status report of the complaint made by the fifth respondent. Thereafter, the learned counsel for the first and second respondents brought to the notice of this Court that a case was registered in crime No.17 of 2024 based on the



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complaint made by the Personal Assistant to Collector (Noon Meal Programme), Villupuram, before the District Crime Branch on 28.10.2021 and it is pending for investigation. Further, submits that based on the outcome of the investigation stringent action will be taken against the erred officials, who have involved in the illegal fabricated letter dated 22.06.2017. It is brought to the notice of this Court by the learned counsel for the petitioner and the 5th respondent that the 4th respondent is not working at present in the 5th respondent school as Nutritious Meal Organizer and she was transferred to some other school by the first respondent and the vacancy is existing in the 5th respondent School for the post of Nutritious Meal Organizer.

8.The learned Counsel appearing for the respondent Nos.1 to 3 submits that after considering the names recommended by the 5th respondent vide letter dated 27.06.2017, one Raja Sangeetha is appointed as Nutritious Meal Organizer vide proceedings in Na.Ka.No.571/2018/BE4 dated 05.11.2024 and she joined duty on 06.11.2024. It is needless to mention here that the said Raja Sangeetha is the sister of the petitioner, but the relationship between Raja Sangeetha and the petitioner is irrelevant for the present case and her appointment was on merits. The Government has imposed a condition to



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appoint the disabled persons as Nutritious Meal Organizer, which is extracted

hereunder;

“While appointing Noon Meal Organizer partially deaf person and person with lesser digit of locomotive disability may be considered for appointment”

9.The learned Counsel further contended that as the petitioner is having locomotive disability of 90%, her candidature could not be considered for the appointment of Nutritious Meal Organizer.

10.Considering the facts and circumstances of the case and the submissions of the respective counsel, it appears that initially, the first respondent appointed the 4th respondent erroneously as Nutritious Meal Organizer in the 5th respondent School and now, has issued proceedings dated 05.11.2024 by appointing one Raja Sangeetha as Nutritious Meal Organizer in the 5th respondent School as per the list recommended by the 5th respondent School on 27.06.2017. Though there is a delay in taking proper action by the first respondent on the complaint made by the 5th respondent School with respect to the fabricated document, now the case was registered in crime No.17



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of 2024 based on the complaint made by the Personal Assistant to the first respondent (Noon Meal Programme), Villupuram before the District Crime Branch and investigation is pending.

11.Considering the undertaking given by the first respondent that based on the outcome of the investigation, stringent action will be taken against the erred officials, who have involved in the illegal fabrication of letter dated 22.06.2017, this Court is of the considered opinion that at present, in the present writ petition, further adjudication and further orders are not required on that aspect at present.

12.In view of the above, this writ petition is disposed of placing the proceedings issued by the first respondent dated 05.11.2024 in Na.Ka. No.571/2018/BE4 on record. It is made clear that the first respondent shall take steps to see that investigation in FIR No.17 of 2024 has to be completed expeditiously in accordance with law and appropriate action has to be taken against the erring persons. No costs. Consequently, the connected miscellaneous petitions are closed.

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Internet: Yes/No
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BATTU DEVANAND,J.

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