



W.P.No.24834 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: **03.04.2024**

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.24834 of 2013

and

M.P.Nos.2 of 2013

Valluvar Aided Elementary School,
Rep. By its Correspondent T.Anbalagan,
Kottiyal Post, Udayarpalayam Taluk,
Ariyalur District.

....Petitioner

Vs

1. District Collector,
Ariyalur District,
Ariyalur.

2. The Block Development Officer,
T.Pazhur Panchayat Union,
T.Pazhur, Udayarpalayam Taluk,
Ariyalur District.

3. K.Mathiyazhagan

....Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the 2nd respondent in his proceedings Na.Ka.No.A6/348/2013 dated 26.06.2013 and quash the same and direct the Respondents to select one of the candidates sponsored by the petitioner School as Noon Meal Organizer.



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For Petitioner : Mr.V.Sivalingam
for C.S.Associates
For R1 : M/s. M.Jayanthy
Additional Government Pleader

ORDER

The Writ Petition has been filed to call for the records pertaining to the order passed by the 2nd respondent in his proceedings Na.Ka.No.A6/348/2013 dated 26.06.2013 and quash the same and direct the Respondents to select one of the candidates sponsored by the petitioner School as Noon Meal Organizer.

2. The case of the petitioner is that, petitioner School was started in 1938. A post of Noon Meal Organizer in the petitioner School became vacant on the retirement of the incumbent on 31.01.2013. As per G.O.Ms.No.918, Social Welfare Department, dated 03.11.1989, petitioner's School has to send a list of five candidates and the Committee constituted by the District Collector will scrutinize and select one of the candidates and sponsor him/her to the Management for appointment. When petitioner School was about to submit the list of candidates, the 3rd respondent was appointed as Noon Meal Organizer by an impugned order dated 26.06.2013



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by the 2nd respondent. The impugned order of the 2nd respondent is illegal and therefore, this Writ Petition is filed.

3. It is the submission of the learned counsel for the petitioner that, G.O.Ms.No.918, Social Welfare Department dated 03.11.1989, apparently makes it clear that, only from the list forwarded by the School Management, one has to be appointed as Noon Meal Organizer.

4. In reply to his submission, the learned counsel for the respondents (1 to 3) submitted that, superseding the Government Order issued in G.O.Ms.No.918, Social Welfare Department dated 03.11.1989, with regard to appointment of Noon Meal Organizer, Cook and Assistant Cook, Government had issued G.O.Ms.No.163, the Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010. This G.O issues guidelines for appointment of Noon Meal Organizer. As per the Guidelines issued, advertisement should be given inviting applications from women only. Educational qualifications are fixed for general and S.T community. Age criteria is also fixed. The applicant should reside within 3km radius from the place of posting and should be able to maintain accounts. Rules of



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reservation should be followed. Only in terms of these guidelines, Noon Meal Organizer should be appointed.

5. He further submitted that, the Hon'ble Division Bench of this Court in W.A.(MD).No.792 of 2012 dated 22.03.2017, upheld the validity of the conditions imposed in G.O.Ms.No.163, the Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010 . Relying this Order, this Court in W.P.No.163 of 2018 dated 18.04.2022, had confirmed the validity of the conditions imposed in this G.O. Again, this Court in W.P.No.31215 of 2012, upheld the appointment made on the basis of G.O.Ms.No.163, the Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010. Thus, he submitted that, petitioner's claim for appointment of Noon Meal Organizer on the basis of G.O.Ms.No.918, Social Welfare Department dated 03.11.1989, cannot be sustained. Thus, he prays for dismissal of this petition.

6. In reply to this submission, the learned counsel for the petitioner relied on the judgement of this Court in W.P.(MD).No.9857 of 2017 in Hindu aided Primary School Vs. The State of Tamil Nadu and Others. The



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reading of the order shows that, notification issued by the District Collector through paper advertisement was quashed. During the course of the discussion of the case, it was observed in para(7) as follows;

The Writ Petitioner also states that when the Government Order in G.O.Ms.No.163 Social Welfare and Nutritious Meal Programme Department dated 18.08.2010 as well as subsequent G.O.Ms.No.4, Social Welfare and Nutritious Meal Programme Department dated 06.01.2011, wherein final orders passed by this Court on 17.10.2012, this Court quashing the certain conditions in G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2011 and further declaring that the G.O.Ms.No.4 Social Welfare Nutritious Meal Programme Department dated 06.01.2011 has issued directions and this Court quashed the order in G.O.Ms.No.4 Social Welfare Nutritious Meal Programme Department, dated 06.01.2007.

Relying on this order, the learned counsel for the petitioner submitted that, G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2011 cannot be acted upon. However, reading of the entire order shows that, the Writ Petition was ultimately dismissed.



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7. As already referred above, the Hon'ble Division Bench of this Court in W.A.(MD).No.792 of 2012 dated 22.03.2017 upheld the conditions imposed in G.O.Ms.No.163, the Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010. The validity of the conditions imposed in G.O.Ms.No.163, the Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010 is also affirmed and confirmed by this Court in W.P.No.31215 of 2012. After passing, G.O.Ms.No.163, the Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010, the appointment for the post of Noon Meal Organizer was made.

8. In the said circumstances, petitioner's claim that, Noon Meal Organizer should be appointed as per G.O.Ms.No.918, Social Welfare Department dated 03.11.1989, cannot be accepted.

9. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

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Index :Yes/No
Internet:Yes/No
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To

1. District Collector,
Ariyalur District,
Ariyalur.
2. The Block Development Officer,
T.Pazhur Panchayat Union,
T.Pazhur, Udayarpalayam Taluk,
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G.CHANDRASEKHARAN, J

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