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W.P.No.27732 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 08.02.2024**

CORAM:

**THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.No.27732 of 2012**

**and**

**M.P.No.2 of 2012**

L.Arulmary

...Petitioner

-Vs-

1.The Commissioner,  
Department of Social Welfare and  
Nutritious Meal Programme,  
Chepauk, Chennai – 600 005.

2.The Collector,  
Dharmapuri District,  
Dharmapuri.

3.The Commissioner,  
Harur Panchayat Union,  
Harur, Dharmapuri District.

4.Sangeetha

...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 Certiorari  
Mandamus to call for the records relating to the order in



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Na.Ka.No.11393/2012/XI dated 21.08.2012 issued by the 2<sup>nd</sup> respondent herein appointing the 4<sup>th</sup> respondent herein as Noon Meal Organiser at Velanur Middle School, Velanur, Harur Taluk, Dharmapuri District, and to consequently direct respondents 1 to 3 herein to appoint the petitioner herein to the aforesaid post and to pass such orders.

For Petitioner : Mr.K.Elango  
For R1 & R2 : Mr.M.Murali  
Government Advocate  
For R3 : Mr.D.Gopal  
Government Advocate

### **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 2<sup>nd</sup> respondent in Na.Ka.No.11393/2012/XI, appointing the 4<sup>th</sup> respondent as Noon Meal Organiser at Velanur Middle School, Velanur, Harur Taluk, Dharmapuri District, and consequently direct respondents 1 to 3 to appoint the petitioner as Noon Meal Organiser at Velanur Middle School, Velanur, Harur Taluk, Dharmapuri District.

2. The case of the petitioner is that she is a resident of Velanur Village, Velanur Post, Haruru Taluk, Dharmapuri District. She passed the



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SSLC examination in the year 2001. She was constrained to discontinue her studies thereafter as her family could not meet the education expenses. She belongs to the Christian Vanniyakula Kshathriyar Community, which is a Backward Community. She married on 12.12.2004 to one P.Lakshmanan, a resident of the same village. Her husband is an agricultural labourer and belongs to the 'Malayali' community, which is a Scheduled Tribe. The total annual income of the petitioner's husband is approximately Rs.35,000/-.

3. Learned counsel for the petitioner submitted that, by a letter dated 30.07.2012, of the 3<sup>rd</sup> respondent herein, she was called for an interview on 08.08.2012, with her original certificates. At the time of interview, the petitioner's certificates were verified. The vacancy pertains only to Velanur Middle School, Velanur, Harur Taluk, Dharmapuri District. The petitioner is a resident of the same village by name, Velanur Village, Velanur Post, Haruru Taluk, Dharmapuri District. However, the 4<sup>th</sup> respondent was appointed as Noon Meal Organiser at Velanur Middle School, Velanur, Harur Taluk, Dharmapuri District, who is a resident of Manjavadi Village in Pappireddipatti Taluk, which is situated 81 km away from the Noon Meal Centre. Aggrieved by the appointment of 4<sup>th</sup> respondent,



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the petitioner has come forward with the present writ petition.

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4. Learned counsel for the petitioner further submitted that the petitioner belonged to the Backward Class community. She has married a person belongs to the Scheduled Tribe Community. Hence, the case may be considered in the priority category.

5. Learned counsel for the petitioner relied on the judgment of the Hon'ble First Bench of this Court in W.A.No.3879 of 2019 dated 19.02.2020, wherein it is held as follows:

*“However, the petitioner can be considered for any other vacancy for the same post in a school in the vicinity and should be given priority for employment, if a vacancy arises. The Collector of Dharmapuri District shall keep this direction in mind while considering the case of the writ petitioner for appointment in the next vacancy that arises to the post of Cook.”*

6. A counter affidavit was filed on behalf of 2<sup>nd</sup> respondent and the relevant paragraph is extracted hereunder:

*“It is submitted that interview for the post of Noon Meal Organiser had been conducted on 07.08.2012 and 08.08.2012 with 16 team consisting of 1 Block Development Officer, 1 Assistant Elementary Education Officer and 1 Assistant Director Level Officer for each team. Some 7 persons were applied for this post, and all the 7 persons were participated in the interview Tmt.D.Sangeetha got 30 marks who is residing in the same village where the Noon Meal*



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*center is situated. Whereas, Tmt.L.Arulmary, the petitioner got 28 marks only, as per G.O.(Ms)No.203 persons within a radius of 10 km can be selected even from other panchayat, if there is no eligible and within the radius of 3 kms. Based on the report of the interview team and marks obtained by the individual Tmt.D.Sangeetha had been selected as Noon Meal Organiser and posted to Velanur Panchayat Union Middle School. As such there is no violation of any G.Os. Transparency maintained in conducting the interview.”*

7. Learned counsel for the 4<sup>th</sup> respondent has also filed documents

regarding the proof that her residence is within 100 ft from the centre.

8. In view of the above facts and circumstances of this case, this Court directs the 1<sup>st</sup> respondent to consider the case of the petitioner since she has fulfilled all the eligibility conditions as stipulated in G.O.(Ms)No.72, Social Welfare and Nutrition Meals Scheme, dated 30.04.2012, and subsequent G.O.(Ms).No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010, when future vacancies arise. Further, if there is any vacancy in the present centre where the petitioner has applied, the same may be considered by the 1<sup>st</sup> respondent on merits and in accordance with law. The 1<sup>st</sup> respondent while considering the case of the petitioner, may take into consideration that she is married to a person who belongs to the Scheduled Caste community and falls under the priority category.



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9. In the result, the writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

**08.02.2024**

cda

Index : Yes/No

Speaking/Non Speaking Order

To

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Department of Social Welfare and  
Nutritious Meal Programme,  
Chepauk, Chennai – 600 005.

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