



WP.No.29120 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2024

CORAM

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER
KUMAR**

W.P.No.29120 of 2012

and M.P.No.2 of 2012

M.Shanthi

...Petitioner

- 1.The Director of Social Welfare,
Chepauk, Chennai-15,
- 2.The District Collector,
Krishnagiri District,
Krishnagiri
- 3.The Block Development Officer (village Panchayat)
Veppanapalli Union,
Veppannapalli,
Krishnagiri District.
- 4.Nazeema

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of writ of Certiorarified Mandamus, praying to call for the records of the 2nd respondent relating to the order in



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proceedings Pro.Na.Ka.No.12366/2012/X1 dated 25.08.2012 issued by the 2nd respondent to quash the same and to issue consequential directions to the respondents 1 to 3 to appoint the petitioner as Nutritious Meals Organiser of Koralnatham Center.

For Petitioner : Mr.R.Thamarai Selvan

For Respondents : Ms.R.L.Karthika,
Government Advocate

ORDER

In response to the recruitment process that was initiated to the post of Noon Meal Organizer in Koralnatham Noon Meal Centre, the petitioner and 4th respondent participated, by appearing for interview on 07.08.2012 and thereafter, the 4th respondent was appointed as a Noon Meal Organizer and she has been working as such. The petitioner approached this Court by filing the present writ petition, questioning the appointment of 4th respondent on various grounds.

2. The main ground of challenge is that the post of Noon Meal Organizer in question was earmarked for most backward classes, but the 4th respondent belonging to backward class community, was appointed and such the said appointment is illegal.



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3. Secondly, on the ground that the 4th respondent is residing 3 Kms away from the Noon Meal Centre, and as such she is not eligible for being appointed to the said post. Thirdly, on the ground that the 4th respondent is an unmarried person, she has more opportunities for securing employment and whereas the petitioner was aged about 40 years as on the date of interview on 07.08.2012 and the petitioner should have been preferred instead of the 4th respondent.

4. In response to the notice issued by this Court, the 4th respondent filed counter affidavit contending that the post in question is earmarked for general category, but not reserved for any MBC or BC category. The learned counsel for the petitioner accepted the said contention raised in the counter affidavit. Therefore, the first ground is no more available to the petitioner.

5. The second ground is regarding ineligibility of the 4th respondent, on the ground that the 4th respondent is residing 3 Kms away from the Noon Meal Centre. The said ground as raised in ground No.(d) itself shows that the 4th respondent is residing at a distance of 3



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Kms away and if that is the case, the question of the 4th respondent being disqualified on the ground of distance, does not arise. Any person or any candidate residing at a distance of 3Kms, is very much eligible for being considered for appointment to the post of 'Noon Meal Organizer'. There is no averment in the entire affidavit filed in support of the writ petition stating that the 4th respondent is residing beyond the distance of 3 Kms. Hence, the second ground is also false.

6.The 3rd ground is that the 4th respondent being unmarried women, has got more number of employment opportunities, whereas, the petitioner has got less number of opportunities being aged about 40 years, cannot be taken into consideration, as the procedure for appointment of 'Noon Meal Organizer' is governed by a set of Rules and Guidelines, which provides for awarding of marks also, on different criteria and thereby, *inter-se* merit of candidates who participate in the recruitment process, will have to be considered.

7.There is no allegation of the petitioner being more meritorious than the 4th respondent, nor any allegation on the ground that the 4th



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respondent was selected, though, she secured less number of marks etc.

In the absence of any such allegation, this Court is not inclined to interfere with the appointment of the 4th respondent on mere assumptions and presumptions, that to at this length of time.

8.In the above facts and circumstances of the case, this Court does not find any merit in this writ petition which is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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vsn

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order



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vsn

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