



W.P.No.30024 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

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G.Latha

...Petitioner

-Vs-

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Commissioner,
Union Office,
Kattumannar Koil Union,
Cuddalore District.

3.B.Puthumalar

...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 Certiorarified Mandamus to call for the records relating to the impugned order passed in Na.Ka.PD.1/3748/2012 dated 26.09.2012 by the 1st respondent and quash the same is illegal and consequently direct the 1st respondent to appoint the petitioner as Noon Meal Organiser at the Panchayat Union Primary School, Kanjankollai, with effect from the date of the impugned order and pass such further orders.



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For Petitioner : Mr.K.Gandhi Kumar
For R1 : Mr.M.Rajendiran
Government Advocate
For R2 : Mr.T.Chezhiyan
Additional Government Pleader
For R3 : Mr.G.Pugazhanthi

ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order dated 26.09.2012, passed by the 1st respondent in Na.Ka.PD.1/3748/2012 and consequently direct the 1st respondent to appoint the petitioner as Noon Meal Organiser at the Panchayat Union Primary School, Kanjankollai, with effect from the date of the impugned order.

2. The case of the petitioner is that she has completed +2 and belongs to the Most Backward Community, hailing from a poor agricultural coolie family. She had applied for the post of Noon Meal Organiser on 16.02.2009, and she called for an interview by respondents 1 and 2, but she was not selected. Thereafter, she applied for the very same post for the third time on 19.11.2010. The petitioner was called for an interview, and the



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original documents were verified, but the petitioner was not considered, and the 3rd respondent was appointed by respondents 1 and 2.

3. Learned counsel for the petitioner would submit that the petitioner had applied for the very same post for the place of Kanjankollai Panchayat Union Primary School and was called for an interview vide letter dated 27.06.2012, and attended the interview on 09.07.2012, with all original certificates. Thereafter, the petitioner came to know that the above said post was filled with a recommendation by M.L.A, M.P or Local Ministers, and the petitioner was not appointed even though she was fully qualified for the post of Noon Meal Organiser. The 3rd respondent was appointed on 26.09.2012. The petitioner also preferred a complaint before the 1st respondent. Without considering the request, the 1st respondent issued an appointment order appointing the 3rd respondent as Noon Meal Organiser vide Na.Ka.PD.1/3748/2012 dated 26.09.2012. Aggrieved by the above said appointment of the 3rd respondent, the petitioner has come forward with the present writ petition.

4. A written instruction dated 19.01.2024, was also submitted by



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the Block Development Officer, Kattumannarkoil Panchayat, in which it is stated that the petitioner is residing at Nadukanjankollai, Kattumannarkoil Taluk, and has been applied for the post of Noon Meal Organiser at Kanjankollai Panchayat Union Primary School on 16.02.2009, 19.11.2010 and 27.06.2012. The petitioner also attended the interview for the above said dates, and based on the interview performance report sent to the appointing authority / District Collector, Cuddalore, and the requisite application as per the G.O.(Ms).No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010, that the candidates must reside within 3 km radius from the centre where the vacancy is notified.

5. It is further stated that the petitioner is a resident of Nadukanjankollai, Kattumannarkoil Taluk, which is 4 km away from the Kanjankollai Panchayat Union Primary School, and as per the G.O.(Ms).No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010, the applicants must reside within 3 km radius. Hence, the 3rd respondent was selected for the post of Noon Meal Organiser by the 1st respondent / District Collector, Cuddalore District. It is also further stated that all the norms, rules, and regulations were observed and followed by the 1st respondent while appointing the 3rd respondent as



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Noon Meal Organiser at the Kanjankollai Panchayat Union Primary School.

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6. Heard both sides and perused the materials available on record.

7. In this case, according to respondents 1 and 2, the petitioner is residing in Nadukanjankollai, Kattumannarkoil Taluk, which is 4 km away from the Kanjankollai Panchayat Union Primary School, where the vacancy was notified by the 2nd respondent. As per G.O.(Ms).No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010, one of the important conditions is that the candidates must reside within 3 km radius from the centre where the vacancy is notified. If no eligible candidate is found, then the candidates can be selected who reside beyond 3 km. But in this case, the 3rd respondent is a resident of the same place, i.e. Kanjankollai, where the Panchayat Union Primary School is also situated. Hence, she was selected by the 1st respondent / District Collector, Cuddalore District, which is in accordance with law.

8. In view of the above facts and circumstances of this case, this Court is not inclined to interfere with the order passed by the 1st respondent/ District Collector, Cuddalore District, in Na.Ka.PD.1/3748/2012 dated



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26.09.2012, appointing the 3rd respondent as Noon Meal Organiser at the Panchayat Union Primary School, Kanjankollai, and the same is hereby confirmed.

9. Taking into consideration the nature of the case, this Court directs the 1st respondent to consider the case of the petitioner in future vacancies if the petitioner fulfilled all the eligibility conditions as stipulated in G.O.(Ms).No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010.

10. In the result, the writ petition stands dismissed with the above direction. No costs.

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cda

Index : Yes/No

Speaking/Non Speaking Order



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To

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J.SATHYA NARAYANA PRASAD, J.

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