



W.P.No. 30841 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 26.03.2024

CORAM:

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.30841 of 2012

A. Vijaya

...Petitioner

Vs

1. The District Collector,
Salem.
2. The Block Development Officer,
Kadayampatti, Salem District.
3. The Commissioner,
Kadayamapatti Panchayat Union,
Salem District.
4. Jayabharathi

...Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent dated 16.08.2012 in Rc.No.60/2012/SaUThi.2 and quash the same and consequently direct the respondents to appoint the petitioner to the post of noon meal organizer with the respondents 1 to 3 at Kannampadi Noon Meal Center.



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For Petitioner : Mr.I.Kowser Nissar
For R1to R3 : Mr.M.Rajendiran
Additional Government Pleader

ORDER

This writ petition is filed seeking for issuance of Certiorarified Mandamus to quash the proceedings in Rc.No.60/2012/SaUThi.2, dated 16.08.2012 issued by the first respondent and to direct the respondents to appoint the petitioner to the post of noon meal organizer with the first to third respondents at Kannampadi Noon Meal Center.

2. The case of the petitioner is that she has applied for Noon Meal Scheme Organizer post with the first to third respondents at Kannampadi Noon Meal Center, Kanavaipudur, Omalur Taluk, Salem District.

3. The third respondent vide proceedings dated 27.06.2012 called the petitioner for interview on 06.07.2012 along with original documents. The petitioner also attended the interview with all the originals. The petitioner is residing within 3 kms from the Noon Meal Center as stipulated in G.O.Ms.



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163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010 whereas the fourth respondent is residing beyond 3 Kms had been appointed by the first to third respondents.

4. The learned counsel appearing for the petitioner would submit that the fourth respondent has submitted the falsely created documents showing the place of residence within 3 Kms from the Noon Meal Centre. The first to third respondents without actually verifying the actual place of residence, appointed the fourth respondent to the post of Noon Meal Organizer in the above mention centre.

5. It is further submitted by the learned counsel appearing for the petitioner that the fourth respondent does not satisfy the eligibility criteria and the petitioner alone has satisfied the eligibility criteria and entitled to be appointed. The main contention of the petitioner is that the fourth respondent is residing outside the radius of 3 Kms, hence appointment of the fourth respondent is in violation of the above said Government order.

6. The another contention of the petitioner is that the fourth respondent's husband is working in Government office namely office of the DSP, she should



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not have been appointed to the said post and the petitioner should have been considered for appointment by the first to third respondents. Aggrieved by the appointment of the fourth respondent to the post of noon meal organizer, the petitioner has come forward with the present writ petition.

7. The learned Additional Government Pleader appearing for the first to third respondents submitted the written instructions of the Block Development Officer, Panchayat Union, Kadaiyampatti Vide Na.Ka.No. 2530/2012/A7 dated 07.03.2024. According to which, the post belongs to General Turn Non Priority category and the fourth respondent who has been appointed belongs to the MBC & DNC category. Hence, she was selected and appointed by the interview team. There is no violation of the rules of the Government Order in appointing the fourth respondent as Noon Meal Organiser.

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

9. In the case on hand, the main contention of the petitioner is that since the fourth respondent's husband is working in the Government office, she should not have been appointed. Another one is that the fourth respondent is residing outside the radius of 3 Kms which is violation of the above stated



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Government Order. The first contention is unsustainable and in regard to the second contention there is no documents to substantiate the same.

10. The age limit for appointment to the Noon Meal Organizer as per the above Government Order is 40 years for General Category and SC/ST/DW is 45 years whereas the age of the petitioner at the time of filing the writ petition is 38 years and as on date she is 50 years old and she is not eligible for the appointment to the post of Noon Meal Organizer and this apart the notification for recruitment is of the year 2012. Hence the writ petition is devoid on merits.

11. In view of the above, this writ petition stands dismissed. No costs.

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Index:Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

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Kadayampatti, Salem District.

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3.

The Commissioner,
Kadayamapatti Panchayat Union, Salem District.

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J.SATHYA NARAYANA PRASAD, J.

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