



W.P.No.31028 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM:

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

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K.Mahalakshmi ... Petitioner
Vs.

1. The District Collector,
District Collectorate,
Villupuram.
2. The Commissioner,
Kaanai Village Union,
Kaanai,
Villupuram Taluk & District.
3. The Block Development Officer,
Kaanai Village Panchayat,
Kaanai Village & Post,
Villupuram Taluk.

4.Thilagavathy ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 04.09.2012 passed by the 1st respondent herein in Na.Ka.No.BE4/4717/2012-36 in appointing the 4th respondent herein for the post of Noon Meal Organiser in Siruvanithangal Panchayat Primary School, Siruvanaithangal, Villupuram District and quash the same and consequently direct the 1st respondent herein to appoint the



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petitioner herein for the above mentioned post.

For Petitioner : Mrs.Fathima Hussain

For Respondents : Mrs.C.Sangamithirai

ORDER

The order dated 04.09.2012 passed by the 1st respondent herein in Na.Ka.BE4/4717/2012-36 in appointing the 4th respondent for the post of Noon Meal Organiser in Siruvanaithangal Panchayat Primary School, Siruvanaithangal, Villupuram District.

2. The petitioner K.Mahalakshmi, W/o.Kuppan, states in her affidavit that the 1st respondent had called for application for the post of Noon Meal Organiser under general quota, Siruvanaithangal Village, Villupuram District. In the communication for appointment, it has been mentioned that candidates should reside within 3 Km radius of Siruvanaithangal Village are entitled to apply for the said post. The said condition pertaining the residence of the candidate was introduced as per G.O.Ms.No.163, dated 18.08.2010 passed by the Department of Social Welfare and Noon Meal Programme. She further submits that she got married one Kuppan on 30.12.2007, who is the permanent resident of Kunnathur Thangal. Since then she has been residing in the said village.



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Her husband is an agricultural coolie and the family depends upon the income of her husband. They got two children and she finds hard to run the family.

3. The petitioner further states that along with her, 51 candidates had applied for the post of Noon Meal Organiser. She participated in the said interview and her certificate and other papers were verified by the respondents No.2 and 3. She was not selected for the said post, though she is suitable candidate for the above said post. The 4th respondent was appointed to the post of Noon Meal Organiser, despite the fact that she has not qualified for the said post. Therefore, choosy method is adopted in selection process and there is no transparency in the selection process which is unfair and it is hit by Article 14 of the Constitution of India which in turn, affects her constitutional right under Article 19(1) (g) of the Constitution of India. Hence, this writ petition.

4. Heard Mr.P.Dinesh Kumar, learned counsel appearing for the petitioner, Mr.S.Rajesh, learned counsel appearing for the 1st respondent and Mrs.C.Sangamithirai, learned Special Government Pleader appearing for the respondents No.2 and 3. None represented for the 4th



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respondent.
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5. Mrs.C.Sangamithirai, learned Special Government Pleader appearing for the respondents No.2 and 3 submitted that by virtue of G.O.Ms.No.163, Social Welfare and Nutrition Meal Department, dated 18.08.2010, as per the qualifications prescribed to the post of nutritious Noon Meal Organiser, selection was duly made and according to the marks secured by the candidates, out of 51, 22 candidates were selected and the marks secured by each candidate is borne out by the interview team report. Therefore, the contentions of the petitioner that the interview process is carried out in dark is incorrect as alleged by the petitioner.

6. It is pertinent to note that the 3rd respondent/BDO would state in his counter that upon the issuance of notice to all the applicants, the distance between their residence and the Noon Meal Centre were measured.

7. It is relevant to refer to G.O.Ms.No.163 Social Welfare and Noon Meal Department dated 18.08.2010, relevant portion of the said G.O., is extracted hereunder:



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"... a person can be appointed as Noon Meal Scheme Organizer only if their residence is within 3 Kms from the concerned school."

8. The interview team consists of Primary Educational Officer, BDO, Assistant Executive Engineer of Rural Development and Panchayat Raj Department. The selection is for General Category(GC). On a thorough perusal of the said report, the selection process has been carried out in a proper manner in due compliance to the above said Government Order.

9. I find no valid reason to interfere with the impugned order. Based on the aforesaid discussions and submissions, this writ petition stands dismissed. There is no order as to costs.

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Index : Yes / No
Neutral Citation Case : Yes / No
Speaking Order / Non-Speaking Order
ssn



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R.KALAIMATHI, J.,

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