



W.P.No. 32044 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM:

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

W.P.No.32044 of 2012
and M.P.No.1 and 2 of 2012

R. Rani

...Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its Secretary,
Social Welfare and Nutritious Meal Programme Department,
Fort St.George, Chennai.
2. The District Collector,
Dharmapuri District,
Dharmapuri.
3. The Block Development Officer,
Nallampalli Block, Dharmapuri District.
4. The Panchayat Union Commissioner,
Nallampalli Union, Dharmapuri.
5. Umapathiyamma

...Respondents



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Prayer: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari Mandamus, calling for the records of the second respondent dated 30.10.2012 made in Na.Ka. No.11393/ 2012/X1 and quash the same.

For Petitioner : Mr.M.R.Jothimanian
For R1 & R2 : Mr.M.Rajendiran
Additional Government Pleader
For R3 & R4 : Mr.M. Geetha Thamaraiselvan
Special Government Pleader
For R5 : Mr.P.Thiagarajan

ORDER

This writ petition is filed seeking for Certiorari to quash the proceedings in Na.Ka. No.11393/2012/X1 dated 30.10.2012 issued by the second respondent.

2. The case of the petitioner is that she has studied upto 12 standard and she herself registered with the District Employment Office, Dharmapuri District. The first respondent has issued a G.O.Ms.No. 72, Social Welfare and Nutritious Meal Programme Department dated 30.04.2012 for appointment of 16056 vacancies for the post of Noon Meal Organizer, Cook and Cook

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Assistant in Tamil Nadu. Following the above said G.O., applications were called for in the prescribed format by the second respondent for the Dharmapuri District for the post of 503 vacancies. The last date of submission of the application was 05.06.2012. The second respondent has called for application for the post of Noon Meal Organizer for the Panchayat Union Primary School, Savulur and in the said appointment, applications were called for the persons belongs to Backward community as per the Government Order.

3. The learned counsel for the petitioner would submits that the petitioner belongs to Backward community and applied to the above said post by fulfilling all the eligibility criteria. The petitioner was called for interview by the third respondent vide proceedings Na.Ka.No. 1646/2012/A6, dated 02.07.2012. As per the requirement of the call letter dated 02.07.2012, the petitioner had produced all the necessary original certificates. Thereafter, the second respondent found the petitioner is suitable for the post of Noon Meal organizer, Panchayat Union Elementary school, Savalur and the petitioner was appointed as Noon Meal Organizer based on the qualification by the second respondent vide proceedings Na.Ka.No. 11393/2012 XI, dated 21.08.2012.



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Accordingly, the petitioner joined as Noon Meal Organizer in the above said school and working till date of filing the writ petition.

4. It is further submitted by the learned counsel for the petitioner that the fifth respondent who is one of the applicants to the above said post, aggrieved by the appointment of the petitioner, the fifth respondent approached this Court by way of filing the Writ Petition No. 24972 of 2012 and the petitioner was arrayed as fifth respondent in the above proceedings. Subsequently the petitioner in W.P.No. 24972 of 2012 did not prosecute the writ petition and this Court by order dated 16.11.2012 dismissed the writ petition as withdrawn.

5. The learned counsel for the petitioner further submitted that the fifth respondent approached the School stating that she had been appointed as Noon Meal Organizer of the same school by the second respondent in Na.Ka.No.11393/2012 XI, dated 30.10.2012 and that she will join duty from thereon. The second respondent has passed the above proceedings dated 30.10.2012, without giving any notice to the petitioner, no enquiry was conducted and no opportunity was given to the petitioner before appointing the fifth respondent. No order of removing from service was issued to the



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petitioner. Aggrieved by the appointment of the fifth respondent in the post of Noon Meal organizer which was previously occupied by the petitioner, the petitioner has come forward with the present writ petition.

6. The counter affidavit is also filed by the third and fourth respondents on 08.06.2013 in which the relevant paragraph is extracted hereunder for better appreciation and understanding:-

“So far as the averments made in para 6,7,8,9 and the grounds (1) to (9) of paragraph No. 10, 11 are concerned. It is submitted that after the appointment, a complaint petition dated 05.10.2012 has been received from Tmt.S.Jayalakshmi W/o. M. Sathish Kumar, Indoor, Nallampalli Block that the petitioner Tmt.R.Rani has submitted false information regarding the distance from her to school for which she applied is 3 km and actually it is 20 km. Hence an enquiry was conducted by the Revenue Divisional Officer, Dharmapuri regarding the complaint. The enquiry revealed that the distance from her residence to school for which she applied is 3km and actually it is 20km. The personal Assistant to Collector (NMP), Dharmapuri has also confirmed the false information submitted by the petitioner



regarding distance from her residence to school for which she applied and recommended for removal of service vide his report submitted to the second respondent dated 09.10.2012. Subsequently the 5th respondent has also filed a writ petition 24972 of 2012 and challenging the appointment of petitioner. The second respondent had issued the removal orders of petitioner vide orders Na.Ka.No. 11393/2012/X1, dated 31.10.2012 based on the enquiry reports of both Revenue Sub Divisional Officer and Personal Assistant to Collector (NMP) Dharmapuri."

7. The learned Special Government Pleader appearing for the third and fourth respondents based on the written instructions from the second respondent submitted that there is a vacancy in Government Elementary School, Marukkalankottai, Nallampalli Panchayat Union, Dharmapuri District.

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

9. In this case, the petitioner was appointed to the post of Noon Meal Organizer and the interview was conducted on 10.07.2012. All the certificates and testimonials submitted by the petitioner was verified by the respondents authorities and thereafter only, the appointment order was issued to the



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petitioner vide proceedings in Na.Ka.No. 11393/2012 X1 dated 21.08.2012 by the second respondent and subsequently, the petitioner has also joined as Noon Meal Organiser in the Panchayat Union Elementary School, Savalur. Then the fifth respondent was appointed in the said post, based on the complaint dated 05.10.2012 given by Tmt.S.Jayalakshmi that the petitioner has submitted false information in regard to the residence and the petitioner is not residing within three kilometers as submitted by her in the application and she is residing 20 kilometers away.

10. Based on the complaint, the enquiry was conducted by the Revenue Divisional Officer, Dharmapuri and it was found that the petitioner was residing 18.5 kilometers away from the Noon Meal Centre at Panchayat Union Elementary School, Savalur. However, before terminating the petitioner from the post of Noon Moon Organizer no notice, no opportunity of hearing, no termination order was issued to the petitioner which is in violation of the principle of natural justice.

11. In view of the submission made by the learned special Government pleader appearing for the third and fourth respondent that there is a vacancy in



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Government Elementary School, Marukkalankottai, Nallampalli Panchayat

Union, Dharmapuri District, the petitioner is directed to give a representation to the second respondent/The District Collector, Dharmapuri District, Dharmapuri within a period of two weeks from the date of receipt of a copy of this order and on receipt of the above said representation, second respondent/The District Collector, Dharmapuri District, Dharmapuri is directed to consider it on merits, in accordance with law and pass appropriate orders within a period of six weeks thereof.

12. The Writ petition is disposed of with the above observations and directions. No costs. Consequently, connected miscellaneous petitions are closed.

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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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The State of Tamil Nadu,
Welfare and Nutritious Meal Programme Department,
Fort St.George, Chennai.
2. The District Collector,
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J.SATHYA NARAYANA PRASAD, J.

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