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W.P.No.32857 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.32857 of 2012

and

W.M.P. Nos.1 to 3 of 2012

V.V. Vasantha W/o. Kannan

... Petitioner

vs.

1. The District Collector,
Dharmapuri District, Dharmapuri – 5.

2. The Commissioner,
Harur Panchayat Union,
Dharmapuri District.

3. Mathammal W/o. Selvam,
Nammangadu Village, Harur Taluk,
Dharmapuri District.

... 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 on the file of the 1st respondent in Proceedings in Na.Ka No.11393/2012/X1 dated ...08.2012 signed by the 1st respondent on 21.08.2012 and quash the order appointing the 3rd respondent herein and consequently direct the 1st respondent to appoint the petitioner to the post



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of Noon Meal Organizer at Nammangadu Panchayat Union Elementary School, Harur Taluk, Dharmapuri District.

For Petitioner : M/s. G. Sunitra

For Respondents : M/s. N. Senthil Selvi, Government Advocate [for R1]

Mr. D. Gopal, Government Advocate
[for R2]

ORDER

This petition has been filed seeking to issue Writ in the nature of Certiorarified Mandamus calling for the records on the file of the 1st respondent in Proceedings in Na.Ka No.11393/2012/X1 dated ...08.2012 signed by the 1st respondent on 21.08.2012 and quash the order appointing the 3rd respondent herein and consequently direct the 1st respondent to appoint the petitioner to the post of Noon Meal Organizer at Nammangadu Panchayat Union Elementary School, Harur Taluk, Dharmapuri District.

2. The case of the petitioner is that the Government vide G.O. Ms. No.72 SW(M) Noon Meal Scheme Department dated 30.04.2012, has granted permission for filling up of the vacancies under “Puratchi Thalaivar MGR Noon Meal Scheme”. The posts of Noon Meal Organizers are to be



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filled up according to the communal rotation under the various G.Os of the Government of Tamil Nadu. The petitioner belongs to Hindu Malayalee Scheduled Tribe community which is listed as one of the communities under the Constitution (Scheduled Tribes) Order 1950. The 2nd respondent by call letter dated 30.07.2012 has called upon the petitioner to appear for an interview along with all his certificates for the post of Noon Meal Organizers. The vacancy was at Panchayat Union Elementary School, Nammangadu. The interview was conducted on 08.08.2012. The petitioner appeared for the interview at the office of the 1st respondent on 08.08.2012 and submitted all the original credentials. The petitioner studied upto XII standard and she is fully eligible for being appointed as Noon Meal Organizer.

3. The learned counsel appearing for the petitioner would submit that the 3rd respondent was appointed for the post of Noon Meal Organizer in the Nammangadu Panchayat Union Elementary School and she is not eligible for being appointed to the said post as she has studied only upto VIII Standard. But the petitioner has studied upto XII Standard. Moreover, the 3rd respondent has not fulfilled the conditions prescribed for



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the said post vide Government Order in G.O.Ms. No.72 SW(M) Noon Meal Scheme Department dated 30.04.2012. Aggrieved with the appointment of the 3rd respondent as Noon Meal Organizer, the petitioner has come forward with the present Writ petition.

4. The main contention of the petitioner is that she belongs to Hindu Malayalee Scheduled Tribe community and she has possesses XII Standard qualification and residing within 3 kilometers of radius and hence she fulfilled all the eligibility conditions prescribed in the above said Government Order.

5. The learned Government Advocate appearing for the 3rd respondent has filed a counter affidavit dated 11.02.2024. The learned Government Advocate appearing for the respondents 1 and 2 has submitted that though the petitioner has fulfilled all the eligibility conditions, she is residing in the distance of 5 kilometers of radius from the Noon Meal Center and hence the important criteria for the appointment of Noon Meal Organizer was not fulfilled by the petitioner.



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6. The learned counsel for the petitioner would further submit that the 3rd respondent is not residing in the distance of 5 km radius, she is residing within 3 kilometers of radius as per the Government order cited supra.

7. Heard both sides'. Perused all the materials available on record.

8. In the case on hand, though the petitioner is stated to be highly qualified having XII Standard whereas the 3rd respondent is qualified only VIII Standard, the distance criteria is the main criteria as per the Government order, which is not fulfilled by the petitioner, whereas the 3rd respondent has fulfilled the same. The 1st respondent has appointed the 3rd respondent to the post of Noon Meal Organizer at Nammangadu Panchayat Union Elementary School.

9. In view of the above factual matters of the case, this Court is of the view that the order passed by the 1st respondent in Proceedings in Na.Ka No.11393/2012/X1 does not warrant any interference of this Court and the same is hereby confirmed.

10. IN THE RESULT, this Writ petition is dismissed. There shall be



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no order as to costs. Consequently, the connected miscellaneous petitions are closed.

12.02.2024

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Internet : Yes

Index: Yes/No

Neutral Citation: Yes/No

To

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Dharmapuri District, Dharmapuri – 5.

2. The Commissioner,
Harur Panchayat Union,
Dharmapuri District.

MR. J. SATHYA NARAYANA PRASAD, J.,



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