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W.P.No.33382 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.33382 of 2012
and M.P.Nos.1 & 2 of 2012

R.Komaladevi

...Petitioner

-Vs-

1. The Secretary to Government of Tamil Nadu,
Department of Social Welfare & Nutrition,
Secretariat,
Fort St. George,
Chennai – 600 009.

2. The District Collector,
Villupuram District,
Villupuram.

3. Mrs.Sumathi

...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 calling for the records relating to the impugned order in Na.Ka.No.BE4/4717/2012-67, dated 04.09.2012 on the file of the 2nd respondent appointing the 3rd respondent as Noon Meal Organiser in the Panchayat Union Primary School, Keel Nandhivadi, Vikravandi Union, Villupuram District and quash the same and consequently direct the 2nd respondent to appoint the petitioner as Noon Meal Organiser in the above said school and pass such further orders.



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For Petitioner : No appearance
For R1 & R2 : Mr.D.Gopal
Government Advocate
For R3 : Mr.V.Rajendran

ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order dated 04.09.2012, passed by the 2nd respondent in Na.Ka.No.BE4/4717/2012-67, appointing the 3rd respondent as Noon Meal Organiser in the Panchayat Union Primary School, Keel Nandhivadi, Vikravandi Union, Villupuram District.

2. Today, 02.02.2024, when the matter was taken up for hearing, there was no representation on behalf of the petitioner.

3. The case of the petitioner is that she has studied X Standard and belongs to the Hindu Adi Dravida Community. She married one Raja, s/o Ramachandran, of the same village on 19.02.2006, and he belongs to the Naidu Community. Hence, their marriage was an inter-caste marriage. The said marriage was registered with the authorities concerned on 08.11.2006, with the District Social Welfare Officer. Also, the 2nd respondent issued a



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certificate of appreciation for inter-caste marriage in the year 2007. The certificate is also enclosed along with the writ petition. In the year 2009, the petitioner's husband namely, Raja, died in a road accident. While being so, the petitioner applied for the post of Noon Meal Organiser in the Panchayat Union Primary School, Keel Nandhivadi Village, and she was called for the interview vide call letter dated 28.06.2012 and she appeared in the interview, which was held on 09.07.2012, at the Panchayat Union Office, Vikravandi. The certificates of the petitioner were verified, including the certificate of Destitute Widow issued by the Revenue Divisional Officer, Villupuram, which shows that her earnings from doing coolie is very meagre and not sufficient to meet their family needs. She also made a representation to the 2nd respondent/District Collector, Villupuram District, Villupuram, on 23.07.2012, requesting him to appoint the petitioner to the post of Noon Meal Organiser in the Panchayat Union Primary School, Keel Nandhivadi, within the limits of Vikravandi Union, Villupuram Taluk and District.

4. As per G.O.(Ms).No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010, the candidate must be within a radius of 3 km from the Noon Meal Centre, for which the recruitment notification was issued by the 2nd respondent. The petitioner is not residing



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within 3 km from the Noon Meal Centre of Panchayat Union Primary School, Keel Nandhivadi, within the limits of Vikravandi Union, Villupuram Taluk and District, which is situated within 3 km from Villupuram, as stated in G.O.(Ms).No.163, Social Welfare and Nutritious Meal Programme Department dated 18.08.2010, as stated supra.

5. The main contention of the petitioner is that even though she has fulfilled all the qualifications and is fully eligible to be appointed as Noon Meal Organiser, the 2nd respondent did not consider the petitioner and appointed the 3rd respondent as Noon Meal Organiser in the Panchayat Union Primary School, Keel Nandhivadi, Vikravandi Union, Villupuram District, by the impugned order dated 04.09.2012 in Na.Ka.No.BE4/4717/2012-67. Aggrieved by the appointment of the 3rd respondent, the petitioner has come forward with the present writ petition.

6. A counter affidavit was filed on behalf of respondents 1 and 2, wherein it is mentioned that the 3rd respondent resides within 3 km radius of the Noon Meal Centre with reference to the VAO certificate and the 3rd respondent belongs to General (Widow) category. Many applicants, including the petitioner, reside within 3 km radius of the Noon Meal Centre. The 3rd



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respondent, Mrs.Sumathi w/o.late Shekar, who was qualified with X Standard, age is 26 years, and entitled to the said post. Moreover, the 3rd respondent and her family did have any movable and immovable property derived income through doing daily coolie work.

7. Learned Government Advocate for respondents 1 and 2 submitted that the petitioner resides 5 km from the Noon Meal Centre. Hence, she is not eligible, as per G.O.(Ms).No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010, for appointment to the said post. But the counter affidavit filed by the 2nd respondent/District Collector, Villupuram District, is silent on this aspect. However, the learned Government Advocate for respondents 1 and 2 submitted a copy of the written instructions of the District Collector, Villupuram District, in Na.Ka.No.163339/2023/BE4 dated 01.02.2024, in which it is stated that the petitioner is residing outside 3 km radius.

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

9. In the case on hand, the notification for the recruitment to the



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post of Noon Meal Organiser was called for and also an interview by the 2nd respondent. The petitioner as well as the 3rd respondent attended the interview, which was conducted on 09.07.2012 at the Panchayat Union Primary School, Keel Nandhivadi, Vikravandi Union, Villupuram District. The petitioner as well as the 3rd respondent are General (Widow) category and the notification is for the recruitment under the widow priority category. The petitioner as well as the 3rd respondent must reside within 3 km radius of the Noon Meal Centre where the vacancy has arisen, as per G.O.(Ms).No.163, Social Welfare and Nutritious Meal Programme Department. Dated 18.08.2010. The 3rd respondent fulfilled the condition stipulated in the said G.O.(Ms).No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010, for appointing to the post of the Noon Meal Organiser in the Panchayat Union Primary School, Keel Nandhivadi, Vikravandi Union, Villupuram District.

10. In view of the above facts and circumstances of this case, this Court is not inclined to interfere with the order passed by the 2nd respondent in Na.Ka.No.BE4/4717/2012-67 dated 04.09.2012 appointing the 3rd respondent as Noon Meal Organiser in the Panchayat Union Primary School,



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Keel Nandhivadi, Vikravandi Union, Villupuram District, and the same is hereby confirmed.

11. In the result, the writ petition stands **dismissed**. No costs.

Consequently, connected miscellaneous petitions are closed.

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cda

Index : Yes/No

Speaking/Non Speaking order

To

1. The Secretary to Government of Tamil Nadu,
Department of Social Welfare & Nutrition,
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Fort St. George,
Chennai – 600 009.

2. The District Collector,
Villupuram District,
Villupuram.

J.SATHYA NARAYANA PRASAD, J.

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