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W.P.No.32765 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

W.P.No.32765 of 2015

and

M.P.No.1 of 2015

R.Jeeva,

... Petitioner

Vs.

1.The Personal Assistant (Noon Meal)
to the District Collector,
Villupuram District, Villupuram.

2.The Block Development Officer,
(Village Panchayat),
Olakkur Panchayat Union, Olakkur,
Tindivanam Taluk,
Villupuram District.

3.M.Kalaivani

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No. PE4/1703/2015-186, dated 23.09.2015 and quash the same and consequently directing the



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respondents 1 and 2 to appoint the petitioner in the post of Assistant Cook in Panchayat Union School, Ammanampakkam Noon Meal Centre.

For Petitioner : M/s.C.Prakasam

For Respondents : M/s.P.Ganesan, Govt. Advocate [R1]

: M/s.V.Subbiah [R2]

: No appearance [R3]

ORDER

The above writ petition has been filed to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.PE4/1703/2015-186, dated 23.09.2015 and quash the same and consequently direct the respondents 1 and 2 to appoint the petitioner in the post of Assistant Cook in Panchayat Union School, Ammanampakkam Noon Meal Centre.

2. The petitioner had made an application for the post of an Assistant Cook under the destitute widow category. However, the said post came to be given to the 3rd respondent who is not even a



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widow and who lived further away from the Noon Meal Centre.

WEB COPY 3. A counter has been filed in which it is stated that three candidates had submitted their application of which the petitioner and another lady Jayanthi were widows and 30 years of age but residing 7 and 3 Kilometers respectively away from the Noon Meal Centre. However, the 2nd candidate, the 3rd respondent herein was living just 2 Kilometers away from the Noon Meal Centre. In the counter affidavit one of the qualifications which appears to have garnered the interest of the appointing authority was the fact that the 3rd respondent “*appears physically smart*” and had enough knowledge in cooking Noon meals. Therefore, she had been appointed.

4. Heard the counsels on either side.

5. A mere reading of the counter affidavit would show that the appointment of the 3rd respondent is not only arbitrary but discriminatory as well. The Noon Meal Centre for which the



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applications were called for was the Ammanampakkam Village Noon Meal Centre. The petitioner alone is residing in the very same village despite which in the counter affidavit it is stated that she is living 7 kilometers away from the Centre. That apart, it is stated in the counter that the 2nd respondent had gone into the aspect of distance, age limit, capability of reading and writing and better knowledge in cooking Noon meals. Therefore, since the only reason for rejecting the petitioner's claim was that she is residing 7 kilometers away from the Noon Meal Centre, it can be safely presumed that she has been qualified in all other respects. While so, the 2nd respondent has appointed the 3rd respondent who even on the scrutiny of the counter affidavit would clearly show, does not reside in the same village as the Noon Meal Centre. As stated earlier, it was the physical appearance of the candidate which had prompted her appointment. This is clearly arbitrary and discriminatory and the authority has given weightage to extraneous qualifications and not the prescribed ones.



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6. Therefore, considering the fact that the petitioner has qualified in all respects including distance, the above Writ Petition is allowed. The order passed by the 1st respondent in his proceedings Na.Ka.No.PE4/1703/2015-186, dated 23.09.2015 is quashed. The respondents 1 and 2 shall forthwith issue an appointment order to the petitioner for the post of Assistant Cook in Panchayat Union School, Ammanampakkam Noon Meal Centre. No costs. Consequently, the connected Miscellaneous Petitions are closed.

05.07.2024

(shr)

Index : Yes/No

Speaking / Non Speaking Order

Neutral Citation : Yes/No

To

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to the District Collector,
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