



W.P.No.3852 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2024

CORAM

THE HON'BLE MR. JUSTICE **BATTU DEVANAND**

W.P.No.3852 of 2018

K.Punithavathi

... Petitioner

Vs.

1. The District Collector,
Thiruvannamalai District.
2. The Revenue Divisional Officer,
Thiruvannamalai District.
3. Padma

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records website copy which culminated in issuing the order of appointment dated 19.01.2018 on the file of the First respondent, appointing the third respondent to the post of Noon Meal Organiser in Arumbalur Noon Meal Centre, Modaiyur Post, Polur Taluk, Thiruvannamalai District, quash the same and consequently direct the respondents 1 and 2 to appoint the petitioner to the post of Noon Meal Organiser in Arumbalur Noon Meal Centre, Modaiyur Post, Polur Taluk, Thiruvannamalai District, within a time



W.P.No.3852 of 20 --

limit to be specified by this Court.

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For Petitioner : Mr.B.K.Girish Neelakantan

For Respondents

for RR1 & 2 : Mr.G.Velu, Additional Government Pleader

for R3 : Mr.S.Silambu

ORDER

This Writ Petition has been filed against the appointment order dated 19.01.2018 issued by the first respondent in appointing the third respondent to the post of Noon Meal Organiser in Arumbalur Noon Meal Centre, Modaiyur Post, Polur Taluk, Thiruvannamalai District and for consequential relief to direct the respondents 1 and 2 to appoint the petitioner in the said post.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel for the third respondent. In spite of sufficient time is given, no counter affidavit has been filed by the third respondent.

3. The case of the petitioner is that she is a resident of Arumbaloor



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Village, Polur Taluk, Tiruvannamalai District. She belongs to Hindu-Agamudaiyar Community, which is classified as Backward Class and she studied up to 10th standard. The second respondent issued notification calling for application to fill up the vacancy for the post of Anganwadi worker in Arumbalur Noon Meal Centre, Modaiyur Post, Polur Taluk, Thiruvannamalai District. The petitioner submitted an application and she was called for interview. The petitioner was on the impression that she would get employment. Surprisingly, the third respondent was appointed. Aggrieved by the same, the present Writ Petition is filed.

4. The learned counsel for the petitioner submits that the petitioner is residing within 100 metres distance from the centre and the third respondent is residing above 100 metres. He further submits that the petitioner's financial position is very weak.

5. It is the contention of the learned counsel for the petitioner that considering the financial status of the petitioner and the distance aspect, the respondent Nos.1 and 2 ought to have appointed the petitioner. However, the third respondent was erroneously appointed and hence, he sought to set



aside the same.

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6. On behalf of the respondents 1 and 2, a counter affidavit has been filed. In the counter affidavit it has been stated that both the petitioner and the third respondent are residing within the permissible distance from the Noon Meal Centre. The respondents 1 and 2 having considered all the aspects appointed the third respondent as Noon Meal Organiser stating that she is more eligible than the petitioner.

7. The learned Additional Government Pleader appearing for the respondents 1 and 2 submits that there is no special consideration in the selection process as per G.O.Ms.No.110, Social Welfare and Nutritious Meal Programme (SW7) Department, dated 14.05.2012 to give preference to financially weaker candidates. Further, with respect to the distance aspect, the learned Additional Government Pleader submits that both the petitioner and third respondent are residing in the same hamlet. As such, both are treated equally while considering them in the selection process with respect to the distance aspect.



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8. The learned Additional Government Pleader further contends that considering the awareness of the petitioner and the third respondent with regard to ICDS / Health and considering their performance in the interview, the appointing authority was of the opinion that the third respondent was more eligible candidate than the petitioner and she was appointed. As such there is no illegality or infirmity in the order of the appointment of the third respondent. Hence, he sought to dismiss the Writ Petition.

9. The learned counsel for the third respondent would submit that the third respondent also is a resident of the same hamlet where Noon Meal Centre is situated and the appointing authority having considered all aspects and also considering the performance of the third respondent in the interview, selected the third respondent and appointed her as Noon Meal Organiser. As such there is no irregularity in the order passed in appointing the third respondent and sought to dismiss the Writ Petition.



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10. Having considered the submissions of the respective counsels and on perusal of the materials available on record and the original records produced by the learned Additional Government Pleader with respect to the selection process of the Noon Meal Centre, it appears that considering the distance between Anganwadi Centre and their residences, besides considering their age and their awareness about ICDS/Health and performance in the interview, the petitioner was awarded 43 marks and the third respondent was awarded 46 marks. Basing on the marks secured by them, the appointing authority has considered that the third respondent is more eligible candidate for appointment to the post of Noon Meal Organiser. Further, the petitioner failed to show any substantial proof to establish that the third respondent is a resident beyond 100 metres away from the Noon Meal Centre and there is no such preference to the economically weaker sections candidate in the selection process of Noon Meal Organiser.

11. In view of the above, in the considered opinion of this Court, there is no substance in the contention of the petitioner that the third respondent was appointed contrary to the procedures provided for selection of the Noon Meal Organiser.



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W.P.No.3852 of 20 --

12. For the above said reasons, this Writ Petition is dismissed.

No costs.

09.09.2024

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

pvs

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