



W.P. No.6713 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.6713 of 2013

C.Vijaya

... Petitioner

Vs.

1.The District Collector,
Salem District, Salem.

2.The District Planning Officer,
Salem District, Salem.

3.R.Nirmala

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings in Se.Mu.Na.Ka.No.301/As/2012 dated 25.09.2012 on the file of the 1st respondent and quash the same as illegal, incompetent and ultravires and consequently direct the respondents 1 & 2 to appoint the petitioner in the post of noon-meal organizer for Thuraiyur Village, Mettur Taluk and Salem District.



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For Petitioner : Mr.K.Ramakrishnan for
M/s.Ma.Pa.Thangavel
For R1 & R2 : Ms.R.L.Karthika
Government Advocate.
For R3 : Mr.M.R.Jothimanian

ORDER

This writ petition has been filed questioning the proceedings in Se.Mu.Na.Ka.No.301/A2/2012 dated 25.09.2012, through which the 3rd respondent herein was appointed as Noon-Meal Organizer at Thuraiyur Village, on the ground that the petitioner is a resident of the said village and whereas, the 3rd respondent is not a resident of the said village, but resident of adjacent village.

2. According to the learned counsel for the petitioner, the petitioner is more qualified than the 3rd respondent and hence, approached this Court by questioning the proceedings dated 25.09.2012 and to set aside the same and consequentially, sought for appointment of petitioner as Noon-Meal Organizer.



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3. The 1st respondent filed counter affidavit. This Court, after having noticed that the 1st respondent has stated that the distance between Noon-meal Centre and the residence of the 3rd respondent is 4 kms, has called for the records and accordingly, the distance certificate is produced before this Court to show that the distance between the residence of 3rd respondent and Noon-meal Centre which is in question is only 2 kms but not 4 kms. The 3rd respondent also filed distance certificate along with counter affidavit showing that the distance is only 2 kms but not 4 kms.

4. This Court, after having heard the learned counsel on either side, called for the records of the respondents 1 & 2 and on perusal of the original record, it is noticed that the 3rd respondent is residing within a distance of 2 kms from the Noon-meal Centre and whereas, the petitioner herein was residing within 3 kms from the Noon-meal Centre and both of them secured 10 marks each, in the process of selection out of 26 candidates appeared for interview and participated in the selection process. The 3rd respondent herein was found to be elder among all of them who secured equal marks. The respondents 1 & 2 preferred the 3rd respondent against all other candidates



who secured 10 marks each, considering her age.

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5. Further, it is also noticed that the respondents 1 & 2 have already taken into consideration the fact that the 3rd respondent herein is a Widow, having three children and on verge of reaching maximum age for seeking employment. Taking into consideration all the above aspects, the respondents 1 & 2 have preferred the 3rd respondent against petitioner and other candidates during the selection process.

6. This Court, after having perused the original record, is convinced that the respondents 1 & 2 are justified in issuing the impugned order in favour of the 3rd respondent. Added to that, the 3rd respondent has been working for more than 12 years as Noon-meal Organizer and therefore, this Court is not inclined to interfere with the impugned proceedings dated 25.09.2012 at this length of time and also on merits.

8. Accordingly, the writ petition is dismissed and the connected



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miscellaneous petitions, if any shall stand closed. No costs.

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Index : Yes/No

Speaking Order : Yes/No

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To:

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Salem District, Salem.

2.The District Planning Officer,
Salem District, Salem.

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