



WEB COPY



W.P.No.21141 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:27.03.2024

Coram:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.21141 of 2018

and

W.M.P.No.24822 of 2018

S.Sivaranjani

.. Petitioner

/versus/

The District Collector,
Cuddalore District,
Collectorate,
Cuddalore.

.. Respondent

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, to declare that the cancellation of the interview held on 23.02.2018 and 31.05.2018 and calling for fresh application to the post of Noon Meal organizer by the website notification dated 09.07.2018 by the respondent as null and void in so far as serial No.2 is concerned and directing the respondent to appoint the petitioner as Noon Meal Scheme Organizer at the Idayarkuppam Panchayat Union Primary School, Cuddalore District, pursuant to the interview held on 23.02.2018 and 31.05.2018.



W.P.No.21141 of 2018

WEB COPY

For Petitioner :M/s S.Iswarya for
Mr.R.Diwakaran

For Respondent :Mr.L.S.M.Hasan Fizal,
Addl.Government Pleader

ORDER

This Writ Petition has been filed to declare the action of the respondent in cancelling the interview held on 23.02.2018 and 31.05.2018 and calling for fresh application to the post of Noon Meal Organiser by notification dated 09.07.2018 by the respondent, as null and void in so far as Serial No.2 is concerned and seeking for consequently direction to appoint the petitioner as Noon Meal Scheme Organiser at the Idayarkuppam Panchayat Union Primary School, Cuddalore District, pursuant to the interview held on 23.02.2018 and 31.05.2018.

2. The learned Additional Government Pleader appearing for the respondent submits that the vacancy for the post of Noon Meal Organiser at the Idayarkuppam Panchayat Union Primary School, Cuddalore District, is earmarked for Scheduled Caste Priority. The



W.P.No.21141 of 2018

WEB COPY

learned Additional Government Pleader clarified that the priority means, either Widow or Destitute Women comes under the priority category. As the petitioner is not coming under the priority quota, her claim is not considered for appointment as Noon Meal Organiser. The learned counsel also submits that the vacancy of the said Noon Meal Organiser post was invited thrice by the respondent under the same category and on the ground of non availability of the Scheduled Caste Priority candidates the respondent is not filling up the vacancy for all these years.

3. The learned counsel for the petitioner contents that as no eligible candidates are available in that village under Scheduled Caste Priority category, the respondent ought to have carry forward to de-deserve the vacancy from the Scheduled Caste Priority category to some other category as per the communal rotation by following the procedure provided under Tamil Nadu Government Servants (Conditions of Service) Act, 2016. The relevant provision in the said Act is extracted herein under:-

*"The unfilled vacancies reserved for the
Scheduled Castes and Scheduled Tribes to be filled by*



WEB COPY



W.P.No.21141 of 2018

recruitment by transfer or by promotion shall be carried over to four consecutive recruitment years. The said vacancy has to be de-reserved from the particular category and the respondent has to issue notification as per the communal roster to the different categories.”

4. This Court finds substantial force in the contention of the learned counsel appearing for the petitioner. In view of the fact that the said vacancy was earmarked for Scheduled Caste Priority category and as there is no eligible candidate available in that village under that category, the vacancy was unfilled for all these years and the eligible candidates of that village under different categories could not make application for that vacancy.

5. Under these circumstances, the respondent has to consider this aspect and notify the vacancy by following the communal roster. Then, the eligible candidates are entitled to apply for that vacancy.

6. For the above said reasons, this Writ Petition is disposed of with a direction to the respondent to de-reserve that vacancy from the



W.P.No.21141 of 2018

WEB COPY

Scheduled Caste Priority Category and issue fresh notification by following communal roaster as early as possible but not beyond three months from the date of receipt of a copy of this order.

7. Consequently, connected Miscellaneous Petition is closed.

8. There shall be no order as to costs.

27.03.2024

Index:yes/no

Speaking order/non speaking order

Neutral citation:yes/no

ari

To:

The District Collector, Cuddalore District, Collectorate,
Cuddalore.



WEB COPY



W.P.No.21141 of 2018

BATTU DEVANAND,J.

ari

W.P.No.21141 of 2018
and
W.M.P.No.24822 of 2018

27.03.2024