



W.P.No.1242 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.02.2024

Coram:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.1242 of 2018

and

W.M.P.No.1550 of 2018

V.Jayaprabha

.. Petitioner

/versus/

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Block Development Officer,
Morappur Panchayat Union,
Harur Taluk,
Dharmapuri District.

3.Selvi

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent made in Na.Ka.No.576/2017/A7 dated 19.11.2017 by appointing the 3rd respondent as Noon Meal Organizer at Panchayat Union Elementary School, Peramandappatti, Morappur Panchayat Union, Dharmapuri



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District is concerned and to quash the same and consequently direct the 2nd respondent to appoint the petitioner as Noon Meal Organiser at Panchayat Union, Elementary School at Peramandapatti, Morappur Panchayat Union, Dharmapuri District based on the interview dated 18.07.2017.

For Petitioner :No appearance

For Respondents :Mr.L.S.M.Hazan Fizal
AGP for R1 to R2
R3-not ready

ORDER

This Writ Petition has been filed against the order dated 19.11.2017 by appointing the third respondent as Noon Meal Organizer at Panchayat Union Elementary School, Peramandappatti, Morappur Panchayat Union, Dharmapuri District and consequently, to direct the 2nd respondent to appoint the petitioner as Noon Meal Organizer at Panchayat Union Elementary School at Peramandapatti, Morappur Panchayat Union, Dharmapuri District, based on the interview dated 18.07.2017.



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2. In spite of granting time and posting this case today, specifically to hear the case at 02.15 p.m., there is no representation for the petitioner and the third respondent.

3. Heard the learned Additional Government Pleader appearing for respondents 1 and 2 and perused the materials available on record.

4. The petitioner is the unsuccessful candidate for selection to the post of Noon Meal Organizer at Panchayat Union Elementary School at Peramandapatti Village, in Morappur Panchayat Union. The second respondent appointed the third respondent as Noon Meal Organizer by an order dated 19.11.2017. The petitioner is challenging the appointment of the third respondent on two grounds. The first ground is that the petitioner is residing in the very same village itself, where the Centre is situated and the third respondent is residing 3 kilometres away from the workplace. The second ground raised by the petitioner is that the petitioner is aged about 37 years, whereas the third respondent is very much younger than the petitioner and thereby the petitioner need to be



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considered as deserving candidate for the post of Noon Meal Organizer.

5. On perusal of the averments made in the counter-affidavit filed by the second respondent, it appears that the petitioner has submitted her application for the post of Noon Meal Organizer in the month of March 2017 and the interview was conducted on 18.07.2017 with as much as three members consisting the team of (1) Block Development Officer; (2) Assistant Project Officer and (3) District Manager, THADCO. As per the communal rotation, as provided in G.O.Ms.No.142, P & AR Department, dated 14.10.2009, for the post of Noon Meal Organizer in the Noon Meal Centre at Permandapatty Panchayat Union, Primary School in Morappur Panchayat Union was allotted to Backward class (Except Muslims) (Non-Priority). 11 candidates belong to Backward class community participated in the said interview. Among the candidates attended, the third respondent was selected based on the highest marks earned by her with respect to the requisite qualification prescribed vide G.O.Ms.No.163/Social Welfare and Nutritious Meal Dept., dated 16.08.2010. She was temporarily appointed for the post of Noon Meal Organiser vide proceedings No.1521/2016/X1, dated 13.11.2017. Aggrieved by the said



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appointment order, the present Writ Petition is filed. It is also averred in the said counter affidavit that the petitioner secured 31 marks and the third respondent secured 42 marks in the interview including the distance aspect. It is stated in the counter-affidavit that the distance between the residence of the petitioner and the work place is 2.5 km and the distance of the third respondent and the work place is 1 km. Considering all other aspects, the 2nd respondent/competent authority decided to appoint the third respondent as Noon Meal Organizer.

6. The learned Additional Government Pleader appearing for respondents 1 and 2 submits that two grounds raised by the petitioner are not available to her, in view of the fact that on the distance aspect, the third respondent is qualified and there is no preference for the widows in the selection.

7. As per G.O.Ms.No.163/Social Welfare and Nutritious Meal Department, dated 16.08.2010, the distance between the residence of the applicant and the place of work should be within the three kilometres.



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8. In the present case, both the petitioner and the third respondent fulfilled the qualification. It is also clear that there is no preference for the widows in the selection process.

9. In view of the above, the petitioner failed to make out any case against the order passed by the second respondent in appointing the third respondent as Noon Meal Organizer.

10. Accordingly, this Writ Petition is dismissed.

11. Consequently, connected Miscellaneous Petition is closed.

12. There shall be no order as to costs.

26.02.2024

Index:yes/no
Speaking order/non speaking order
Neutral citation:yes/no
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BATTU DEVANAND, J.

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