



WEB COPY



W.A.No.1560 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2024

CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE G. ARUL MURUGAN**

W.A.No.1560 of 2022

T.Poonkodi

.. Appellant

VS

1.The District Collector,
District Collectorate,
Coimbatore – 642 127.

2.The Commissioner,
Valparai Municipality,
Valparai.

3.K.Baby

.. Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order dated 10.03.2022 in WP.No.12689 of 2012 by this Court.

For Appellant : Mr.D.Udhayasuriyan

For Respondents : Mr.Stalin Abhimanyu (for R1)
Additional Government Pleader

Mr.P.Srinivas (for R2)
No Appearance (for R3)



W.A.No.1560 of 2022

JUDGMENT

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The appeal has been preferred against order dated 10.03.2022 passed in WP.No.12689 of 2012, whereby the prayer of the writ petitioner challenging the selection of a third respondent to the post of Noon Meal Organiser came to be dismissed.

2. It is the case of the petitioner that she is qualified and eligible to be appointed to the post of Noon Meal Organiser and the first respondent by proceedings dated 17.09.2010 called for appointment to the post in the second respondent/Valparai Municipality. At the time when the Notification was issued, the case of the petitioner is that she was alone qualified to be recruited for Notification issued pursuant to her application and she has also been called for interview.

3. However, when the selection was completed, the third respondent was arbitrarily selected, even though she was not qualified to be selected and appointed to the post. It is the case of the petitioner that the norms as stipulated in the Notification has not been adhered to, which resulted in the selection of third respondent. Therefore, the selection of the third respondent for the post of Noon Meal Organiser is erroneous.

4. Learned Judge after taken note of the fact that when the



W.A.No.1560 of 2022

Notification was issued for appointment to the post of Noon Meal Organiser (B) Upper Division of the Velloni Estate, the third respondent was appointed as Noon Meal Organiser in the Lower Division of the Velloni Estate and the petitioner had actually applied only for selection to the post in the Upper Division of Velloni Estate. Noting that even the application of the petitioner was to other place for which third respondent was not selected, the learned Judge found that the filing of the writ petition itself was misconceived. Therefore, dismissed the writ petition. Assailing the aforesaid order, the petitioner preferred the above appeal.

5. Heard Mr.D.Udhayasuriyan, learned counsel for the appellant, Mr.Stalin Abhimanyu, learned Additional Government Pleader for R1 and Mr.P.Srinivas, learned counsel for R2.

6. Admittedly, the first respondent had issued Notification calling for application for selection to the post of Noon Meal Organiser Lower Division of Velloni Estate.

7. In pursuant to the Notification, which was issued calling for other posts in other areas also, the application have been filled by the eligible candidates. Insofar as the selection to the post of Noon Meal Organiser in Lower Division, Velloni Estate, after scrutiny of the



W.A.No.1560 of 2022

application, the authorities found that the third respondent was eligible to be appointed in the said post and thereby the third respondent was selected and appointed in the year 2012, in which post, she is working till date.

8. As rightly noted by the writ Court, the writ petitioner had only applied to the post in the Upper Division of the Velloni Estate and the challenge made by the writ petitioner challenging the selection of the third respondent is misconceived.

9. In this regard, the second respondent has filed a counter in the above appeal, wherein it is stated that as per the Notification issued by them, the applicant has to reside within the distance of 3 kms from Noon Meal Centre. From perusal of the records filed by the appellant herein, it was seen that the appellant is residing in the Kakkan Colony of Valparai Municipality and the distance between the place where the appellant is residing and the place where it is notified is 8 kms and that the appellant was found not eligible to be selected and appointed to the post of Noon Meal Organiser, for which she has challenged in the writ petition. Paragraphs 3 and 4 of the counter of the second respondent is extracted hereunder:-

'3.A perusal of the qualification for the appointment



W.A.No.1560 of 2022

to the post of Noon meal organiser shows that apart from the other requirements, the applicant has to reside within the distance of 3 Kilometers from the Noon Meal centre. As per the records, the Appellant has submitted as if she is residing at her parents address.

4. But a scrutiny of the Voters lists of the Valparai Municipality, the Appellant is residing at Kakkan Colony, Valparai. This location is at a distance of 8 kilometers from the Vellone Estate, Upper Division as well as the Velloni Estates, Lower Division.'

10. In view of the factual position that the writ petitioner had only applied for the post in the Upper Division whereas the selection of the third respondent by the respondent herein is only in respect of the Lower Division, Velloni Estate and also further taking note of the fact that the writ petitioner is residing at the distance of 8 kms, both taking into consideration both the Lower Division and Upper Division, necessarily the appellant is not an eligible person to be selected in the place of the third respondent.

11. In view of the same, there is no merit in the writ appeal and accordingly the order of the writ Court is sustained and this writ appeal stands dismissed. No costs.

**[A.S.M., J] [G.A.M., J]
28.10.2024**

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No



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To

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