



W.P.No.15726 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.02.2024

Coram:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No.15726 of 2018

and

W.M.P.No.18683 and 18684 of 2018

Thiru.Kamaraj Aided Elementary School,
Represented by its Correspondent,
Mr.E.Selvabarathy, Thideerkuppam,
Block-30, Neyveli-607 807,
Cuddalore District.

.. Petitioner

/versus/

1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Social Welfare & Nutritious Meal Programme Department,
Secretariat, Fort St.George, Chennai 600 009.

2.The District Collector,
Cuddalore District, Cuddalore 607 001.

3.The Block Development Officer,
Kammapuram Panchayath Union,
Cuddalore District.

4.Sundari

5.Suseela

6.Jayasudha

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



W.P.No.15726 of 2018

praying to issue a Writ of Certiorarified Mandamus to quash the impugned proceedings in Na.Ka.No.A5/184/2017, dated 20.04.2018 on the file of the Respondents 2 and 3 for appointing Nutritious Meal Organizer to the Thiru.Kamaraj Aided Elementary School, Thideerkuppam, Kammapuram (via) Vattam-30, Neyveli-607 807 Cuddalore District and direct the respondents 1 to 3 to appoint the Nutritious Meal Organiser based on the directions passed this Honourable Court in W.P.No.6747/2017, dated 20.03.2017.

For Petitioner : M/s N.Parameswari

For Respondents : Mr.L.S.M.Hazan Fizal, AGP
1 to 3

ORDER

This Writ Petition has been filed against the impugned order issued by the 2nd and 3rd respondent in Na.Ka.A5/184/2017, dated 20.04.2018 and for a consequential direction to the respondents 1 to 3 to appoint the Nutritious Meal Organised based on the direction passed by this Court in W.P.No.6747 of 2017, dated 20.03.2017.

2. On behalf of the respondents 1 to 3, counter affidavit has been filed.

3. Heard the learned counsel appearing for the petitioner and the



W.P.No.15726 of 2018

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

4. The petitioner is the Private Aided Non-Minority School as per the provisions of Tamil Nadu Recognized Private School (Regulation) Act and the Rules made thereunder. The Noon Meal Centers are situated within the School Premises with posts of Noon Meal Organizer, Cook and Assistant. The State Government of Tamil Nadu issued orders in G.O.(Ms)No.215, Chief Minister Nutritious Meal Programme and Social Welfare Department, dated 09.12.1988 prescribing the method of appointment by local body concerned. To appoint Noon Meal Organizer in the petitioner school, the 2nd and 3rd respondents have issued impugned proceedings dated 20.04.208. Challenging the same, the present Writ Petition is filed.

5. The main ground raised in the writ petition is that Private Aided School Management, like the petitioner school, cannot be disassociated from running Noon Meal School Centre, since the space, building and other infrastructural facilities to run the Noon Meal Centre are provided by the School Management. Without evolving any scheme and without method of selection and appointment to the post of Noon Meal Organiser, the respondents now



W.P.No.15726 of 2018

proceeded to take steps to fill up the post of Noon Meal Organiser as per the terms of Government Orders issued in G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme (SW2) Department, dated 18.08.2010 and G.O.Ms.No.4, Social Welfare and Nutritious Meal Programme (SW2) Department, dated 06.01.2011, which is ex-facie illegal, arbitrary and against the law and sought to allow the writ petition.

6. The learned Additional Government Pleader appearing for the respondents 1 to 3 contends that the Government after careful examination of the various orders have been issued earlier in connection with the appointment of Noon Meal Organiser, Cook and Assistant and after making a review, has decided, which prescribed certain criteria for educational qualification, age and distance criteria for the direct recruitment of Noon Meal Organiser, Cook and Assistant. Accordingly, issued G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme (SW2) Department, dated 18.08.2010. Certain amendments were made to G.O.Ms.No.163 dated 18.08.2010, by virtue of G.O.Ms.No.4 Social Welfare and Nutritious Meal Programme (SW2) Department, dated 06.01.2011. In G.O.Ms.No.4, Social Welfare and Nutritious Meal Programme (SW2) Department, dated 06.01.2011, the procedure is prescribed for appointment of Noon Meal Organiser in Government Aided Non-Minority



W.P.No.15726 of 2018

School, which is extracted hereunder:-

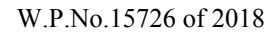
WEB COPY

“Government Aided Non-Minority School Nutritious Meal Centres:-

For the appointment of the post of Nutritious Meal Center Employees in the Government Aided Non Minority School Centres should follow the procedure mentioned in the G.O.ms.No.163, Social Welfare and Nutritious Meal Programme, dated 18.08.2010 and Government order relating to Community Roaster vide G.O.Ms.No.142, Social Welfare and Nutritious Meal Programme, dated 06.07.2010. That is, the appointment of non-minorities school Nutritious Meal Programme employees (Organizer, Cook (and) Assistant) should be done in the same manner as the appointment of nutrition workers of Government/Local Body School Center (Panchayat Union/Municipality/Corporation).”

7. As per the procedure, all the Non-Minority School Centers should follow the procedures provided in G.O.(Ms) No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010 and with regard to communal roaster, the procedure prescribed in G.O.Ms.No.142, Social Welfare and Nutritious Meal Programme Department, dated 06.07.2010 has to be followed. The learned Additional Government Pleader further stated that G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010 and G.O.Ms.No. 142, Social Welfare and Nutritious Meal Programme Department, dated 06.07.2010 are upheld by this Court in W.A.(MD)Nos.792 of 2012 etc. batch by an order dated 22.03.2017.

8. In view of the fact that the procedure prescribed under G.O.Ms.No.



9. Accordingly, this Writ Petition is dismissed.
10. Consequently, connected Miscellaneous Petitions are closed.
11. There shall be no order as to costs.

28.02.2024

Index:yes/no
Internet:yes/no
Speaking order/non speaking order
Neutral Citation:yes/no
ari



W.P.No.15726 of 2018

To:

WEB COPY

1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Social Welfare & Nutritious Meal Programme Department,
Secretariat, Fort St.George, Chennai 600 009.

2.The District Collector,
Cuddalore District, Cuddalore 607 001.

3.The Block Development Officer,
Kammapuram Panchayath Union,
Cuddalore District.

BATTU DEVANAND,J.



WEB COPY



W.P.No.15726 of 2018

ari

W.P.No.15726 of 2018
and
W.M.P.Nos.18683 and 18684 of 2018

28.02.2024