



W.P.No.14460 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.02.2024

Coram:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No.14460 of 2017

and

W.M.P.Nos.15670 and 15671 of 2017

Aided Primary School,
Eravancheri,
Sankaranpandal PO,
Tharangambadi Taluk,
Nagapattinam District 609 308,
Rep.by its Secretary,
R.Chitradevi
W/o Rajasekar

.. Petitioner

/versus/

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

2.The District Collector,
Nagapattinam District,
Nagapattinam.

3.The Block Development Officer,
Sembanarkovil Panchayat Union,
Nagapattinam District.

.. Respondents



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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 impugned Notification issued by the 2nd respondent through paper Thinathanthi advertisement in No.Nil, dated 30.01.2017 and to quash the same and consequently, directing the respondents to conduct selection to the post of Noon Meal Organizer by adopting method of selection involving participation of School Management and in compliance with other legal requirements.

For Petitioner :Ms.M.Kaviya for
Mr.S.Nedunchezhiyan

For Respondents :Mr.P.Muthukumar, AAG
Asst.by
Mr.R.Kumaravel, AGP

ORDER

This Writ Petition has been filed against Notification issued by the 2nd respondent through Thinathanthi paper dated 30.01.2017 and for a consequential direction to the respondents to conduct selection to the post of Noon Meal Organiser by adopting the method of selection involving the participation of School Management.

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



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3. Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General appearing for the respondents 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, 1973, and the Rules made thereunder. The Noon Meal Centers are situated within the School Premises with appointment 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 second respondent has issued notification through paper advertisement on 30.01.2017 calling for the applications. 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 Center, since the space, building and other infrastructural facilities to run the Noon Meal Center are provided by the



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School Management. Without evolving any scheme with reference to the method of selection and appointment to the post of Noon Meal Organizer, etc, the respondents now proceed to take steps to fill up the post of Noon Meal Organiser by making paper advertisement as per the terms of 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 Advocate General appearing for the respondents contends that the Government, after careful examination of the various orders, which have been issued earlier in connection with the appointment of Noon Meal Organizer, Cook and Assistant and after making a review has decided certain criteria for educational qualification, age and distance for Direct Recruitment of Noon Meal Organizer, Cook and Assistant. Accordingly, the Government 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



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Nutritious Meal Programme (SW2) Department, dated 06.01.2011, the procedure is prescribed for appointment of Noon Meal Organizer in Government Aided Non-Minority School, which is extracted hereunder:-

“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 (SW2) 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 Advocate General further stated that G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme



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Department, dated 18.08.2010 and G.O.Ms.No.4, Social Welfare and Nutritious Meal Programme Department, dated 06.01.2011 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. 163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010 and G.O.Ms.No.4, Social Welfare and Nutritious Meal Programme Department, dated 06.01.2011 are upheld by this Court, in the considered view of this Court, the petitioner is not entitled for the relief sought for in the present Writ Petition, as the issue has already been decided by this Court.

9. Accordingly, this Writ Petition is dismissed.

10. Consequently, connected Miscellaneous Petitions are closed.

11. There shall be no order as to costs.

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Index:yes/no
Speaking order/non speaking order
Neutral Citation:yes/no
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WEB COPY

- To:
- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Social Welfare & Nutritious Meal Program Department,
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BATTU DEVANAND,J.

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