



WA No.2790 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2024

CORAM

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

WA No.2790 of 2022

R.Sudha : Appellant

versus

1.S.Nirosha

2.The District Collector,
Vellore District

3.The Commissioner,
Madhanur Panchayat Union,
Office of the Madhanur Panchayat Union,
Madhanur, Vellore District : Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge in WP No.27465 of 2017 dated 16.06.2022.



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For the Appellant : Mr.S.Thirumavalavan
For Respondent No.1 : Mr.K.Selvaraj
For Respondents 2, 3 : Mr.P.Muthukumar,
Additional Advocate-General
assisted by Mr.S.Prabhakaran,
Government Advocate

JUDGMENT

(Made by D. KRISHNAKUMAR, J.)

The appellant has filed this writ appeal aggrieved by the order of the learned Single Judge in WP No.27465 of 2017 dated 16.06.2022.

2. WP No.27465 of 20217 was filed by the first respondent herein, challenging the appointment of the appellant as noon meal organizer in the Panchayat Union Primary School at Kamanoothattu Panchayat, Vellore District, on the ground that as per G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department dated 18.08.2010, a candidate has to reside within 3 kms from the noon meal centre; whereas the appellant is residing about 10 km away from the noon meal centre; but the original writ petitioner/first respondent is residing within 125 meter from the noon meal centre and she should



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have been considered for selection.

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3. Taking into consideration the said fact and also considering the counter-affidavits filed by the official respondents, the Writ Court has set aside appointment made to the appellant and directed the official respondents to make a fresh selection to the post after following the prescribed procedure.

4. Challenging the said order, the present appeal has been filed.

5. It is submitted that pursuant to the order passed by the learned Single Judge, the official respondents have selected the first respondent as noon meal organizer and she has joined duty on 30.12.2022 and has been continuing in service ever since.

6. In such circumstances, nothing survives for adjudication in this writ appeal. Therefore, the writ appeal stands dismissed as infructuous. There shall be no order as to costs. Consequently, CMP No.22662 of 2022 is closed.



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7. If the appellant is aggrieved by the appointment of the first respondent as noon meal organiser, it is for the appellant to challenge the said appointment before the appropriate forum.

(D.K.K., J.) (K.B., J.)
24.06.2024

Index : Yes/No
Neutral Citation : Yes/No
tar



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To

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- 1.The Commissioner,
Madhanur Panchayat Union,
Madhanur, Vellore District
- 2.The District Collector,
Vellore District



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D. KRISHNAKUMAR, J.

AND

K.KUMARESH BABU, J.

(tar)

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