



W.P.No.15404 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.02.2024

Coram:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.15404 of 2017

and

W.M.P.No.16714 of 2017

J.Nansi

.. Petitioner

/versus/

1.The Director,
Social Welfare Department,
Government of Tamil nadu,
Guindy, Chennai.

2.The District Collector,
Collectorate,
Nagapattinam District,
Nagapattinam.

3.The Commissioner,
Panchayat Union,
Keezhaiyur & Post,
Nagapattinam District.

4.The Tahsildar,
Taluk Office,
Thirukuvalai Taluk,
Nagapattinam District.

5.Kalpana

.. 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 relevant records of the 2nd respondent in Na.Ka.No.487/Sa.Vu.the/2016, dated 22.05.2017 pertaining to the appointment of Noon Meal Organizer post for the School Thiruvallur Arakattalai Aided Primary School at Thirumanangudi in Keezhaiyur Panchayat Union in Nagapattinam District and to quash the same and consequently, direct the 2nd respondent to appoint to the petitioner in the same post as considering an eligible candidate for the said post.

For Petitioner	:No appearance
For Respondents	:Mrs.C.Sangamithirai, SGP For R1,R2 and R4 R3-No appearance R5-Notice served

ORDER

This Writ Petition has been filed by an unsuccessful candidate against the appointment of the second respondent as Noon Meal Organiser by an order dated 22.05.2017.

2. There is no representation for the petitioner and respondents 3 and 5, inspite of granting sufficient time to them.



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3. Heard the learned Special Government Pleader appearing for respondents 1, 2 and 4 and perused the records.

4. The facts of the case are that the petitioner has submitted her application for the post of Noon Meal Organiser in Thiruvallur Arakattalai Aided Primary School at Thirumanagudi, within Keezhaiyur Panchayat Union. Totally 17 persons applied for the post and they were interviewed by a Committee constituted for this purpose. Out of 17 applications, 8 applications were rejected on the ground of residence including the petitioner. The other candidates were rejected upon proper conduct of interview. Considering the merits and demerits of all the candidates, the fifth respondent was selected and appointed by the third respondent. Aggrieved by the same, the present Writ Petition is filed.

5. The main ground raised in the writ petition is that the reservation for minority was not followed and purposely, the minority was rejected for the appointment of Noon Meal Organiser. Though the petitioner belonged to Christian Community and physically challenged person, she was not considered.



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6. In the counter-affidavit filed by the official respondents, it is stated that the School, where the fifth respondent was appointed, is an Aided Minority School and therefore, the communal roster system need not be followed, as per the G.O.Ms.No.4, Social Welfare and Nutritious Meal Project Department, dated 06.01.2011.

7. For proper adjudication of the case, the relevant paragraph of G.O.Ms.No.4, Social Welfare and Nutritious Meal Project Department, dated 06.01.2011, is extracted hereunder:-

Appointment Procedures:-

Government Aided Minority School Nutritious Meal Centres:-

Panchayat Union Commissioner for Rural Areas and Municipal/Corporation Commissioner for Urban Areas for the appointment of Nutritious Meal Organiser, Cook, Assistant in the Districts shall advertise the details of vacancies and receive applications and scrutinize and list the qualified persons and conduct interviews. After short-listing on the basis of merit in the interview, the Correspondents/Head Masters of the concerned school should invite them and allow them to see the short-list. The school management may nominate five persons on



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the list within 5 working days of visiting the list. In the appointment of the nutrition organiser, one of the five persons nominated by the school rector/headmaster following the above procedure, by the district head; For the appointment of cook and assistant, appointment order should also be issued by the interview assistant (nutrition) of the district administration head.

There is no need to follow caste system for the posts of food organiser, cook(m), assistant in minority schools.

8. On perusal of G.O.(Ms)No.4, Social Welfare and Nutritious Meal (SW-2) Department, dated 06.01.2011, it is clear that there is no need to follow caste system for the post of Food Organizer, Cook (m), Assistant in Government Aided Minority Schools.

9. In view of the above, in the present case, the appointment of the fifth respondent need not be faulted as per the prevailing norms for appointment of Noon Meal Organiser in the said School. The petitioner failed to make out any case warranting interference by this Court.



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10. Accordingly, this Writ Petition is dismissed.

11. Consequently, connected Miscellaneous Petition is closed.

12. 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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To:

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