



W.P.No.18140 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2024

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THE HON'BLE **MR.JUSTICE BATTU DEVANAND**

W.P.No.18140 of 2017

and

WMP.No.19682 of 2017

M.Nalini

...Petitioner

Vs.

1. The District Collector,
Villupuram District,
Villupuram.

2. The Block Development Officer (noon meal),
Mylam Panchayat Union,
Tindivanam Taluk,
Villupuram District – 604 304.

3. The Correspondent,
Sri.Sivaprakasa Swamigal Aided Higher Secondary School,
Villupuram District – 604 304.

4. R.Sharmila Devi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records of the 1st respondent made vide proceedings Na.Ka.No.BE.4/533/2016 dated 21.06.2017 and to quash the impugned



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order and direct the first respondent to appoint the petitioner as Noon Meal Scheme Organizer for the third respondent school.

For Petitioner : No appearance

For Respondents : Mr.L.S.M.Hasan Fazal, AGP for R1 & R3
Mr.T.M.Rajangam, GA for R2

ORDER

This writ petition has been filed against the order dated 21.06.2017 issued by the first respondent in appointing the fourth respondent as noon meal organizer.

2. In spite of granting specific time, there is no representation for the petitioner.

3. The case of the petitioner is that she submitted an application on 26.07.2016 to the post of Noon Meal Organizer. The petitioner was called for an interview on 01.02.2017. The first respondent issued the appointment order dated 21.06.2017 in favour of the third respondent appointing the fourth respondent as Noon Meal Organizer. The petitioner being the unsuccessful candidate has constrained to file this writ petition.



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4. The main ground raised in this writ petition is that the Respondent No.1 did not follow the procedures prescribed in the Government Order in G.O.Ms.No.4 dated 06.01.2011. It is the case of the petitioner that the third respondent management recommended her name for the post of Noon Meal Organizer in their school. The second respondent also forwarded the said recommendation to the first respondent requesting to consider it favourably. It is the contention of the petitioner that the first respondent has to appoint one from among five candidates recommended by the third respondent management. Such procedure was not followed in the present selection, the petitioner contends that the appointment order issued in favour of the fourth respondent is illegal and sought to quash the same.

5. As this case is pertaining to the year 2017, this Court is proceeding with this matter based on the materials available on record. In spite of service of notice there is no appearance on behalf of the fourth respondent.

6. On behalf of the official respondents, the second respondent filed



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the counter affidavit.

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7. It is averred in the counter affidavit that since the third respondent school is not a minority school, the representation of the respondent / correspondent of the school is not required in terms of G.O.Ms.No.4, Social Welfare and Nutritious Noon Meal Programme Department, dated 06.01.2011. It is further stated that the post of Noon Meal Organizer in the third respondent school was reserved for Scheduled Caste candidates as per the communal roster. As the petitioner belongs to MBC category, she was not eligible for the said post.

8. The learned Additional Government Pleader appearing for the respondents 1 and 3 submits that as per the instructions issued in G.O.Ms.No.4, Social Welfare and Nutritious Noon Meal Programme Department, dated 06.01.2011, the third respondent school being a noon meal school, there is no need to depend upon the list of candidates recommended from the correspondent of that school to select a candidate as Noon Meal Organizer. The learned Additional Government Pleader further



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contends that in view of the fact that the post of Noon Meal Organizer in the third respondent school was notified for Scheduled Caste candidates as per the communal rotation, and the petitioner who belongs to MBC category is not entitled for seeking appointment to that post and sought to dismiss the writ petition.

9. Having considered the facts and circumstances of the case, it appears that the petitioner challenging the appointment order issued by the first respondent to appoint the fourth respondent as Noon Meal Organizer in the third respondent school on the ground that the appointment order was made without considering the recommendations of the management of the third respondent school. It is also contended by the petitioner that the procedure provided under G.O.Ms.No.4, Social Welfare and Nutritious Noon Meal Programme Department, dated 06.01.2011 was not followed by the first respondent in appointing the fourth respondent. But, on a perusal of the G.O.Ms.No.4, Social Welfare and Nutritious Noon Meal Programme Department, dated 06.01.2011 it is clear that the said G.O. was issued prescribing the procedure for appointment of various posts in the noon meal



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centres in the minority schools. In G.O.Ms.No.4, Social Welfare and Nutritious Noon Meal Programme Department, dated 06.01.2011, it has been categorically stated that the general procedure followed in Government / local body schools shall be followed for all non-minority schools. As the third respondent school is a non-minority school, the general procedures were being followed as in the case of Government / local body schools.

10. The contention of the petitioner that the school management may nominate five persons and the appointment has to be made out of the said five candidates nominated by the management is not correct. The said procedure is applicable in the case of noon meal centres being run in the Government aided minority schools only. In G.O.Ms.No.4, Social Welfare and Nutritious Noon Meal Programme Department, dated 06.01.2011 it is made clear that for the appointment of the post of nutritious meal centre employees in the Government aided and non-minority school centres has to follow the procedure mentioned in G.O.Ms.No.163, Social Welfare and Noon Meal Programme Department dated 18.09.2010 and the Government Order related to community roaster issued vide G.O.Ms.No.142, Social



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Welfare and Nutritious Meal Programme dated 06.07.2020.

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11. In view of the same, there is no substance in the contention of the petitioner.

12. It is also an admitted fact that the post of noon meal organizer in the third respondent school was notified for Scheduled Caste candidates as per the communal rotation. The petitioner being a candidate who belong to MBC category, undoubtedly she is not entitled to seek appointment in the post which is earmarked for Scheduled Caste candidates.

13. In view of the above said reasons in the considered opinion of this Court, the petitioner failed to make out any case warranting the interference of this Court under Article 226 of the Constitution of India.

14. Accordingly, this writ petition is dismissed.

15. There shall be no order as to costs.

16. Consequently, connected miscellaneous petition is closed.



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Index : Yes/No

NCC : Yes/No

Speaking order : Yes/No

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