



W.P.No.18415 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.18415 of 2017

and

WMP.Nos.19986 and 19987 of 2017

V.Maheswari

...Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Nagappattinam District.

2. The Commissioner,
Thalainayar Panchayath Union,
Thalainayar,
Vedharanyam,
Nagappattinam District.

3.Anusiya

...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 in Na.Ka.No.487/Sa.Vu.Thi/2016 dated 22.05.2017 in appointing the 3rd respondent as Noon Meal Organizer and quash the same and consequently direct the respondents 1 and 2 to appoint petitioner as Noon Meal Organizer in the vacancy or existing vacancy.



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For Petitioner : No appearance

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

ORDER

This writ petition has been filed against the order dated 22.05.2017 of the first respondent in appointing the third respondent as noon meal organizer.

2. In spite of granting sufficient time there is no representation on behalf of the petitioner. Accordingly, we are proceeding with the matter as per on the material available on record, as this case is pertaining to the year 2017.

3. The case of the petitioner is that she belongs to Scheduled Caste community and she passed 10th standard. She is physically challenged having 50% disability. She registered her name in the District Employment Office, The first respondent issued notification on 28.01.2017 to fill up the vacant post of Noon Meal Organizer in the Government schools running in



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MGR Noon Meal Scheme in the Nagapattinam District. The petitioner submitted her application. She also attended interview and did well. She was waiting with full hope of getting appointment in the said post. But to her shock and surprise, she was not appointed and the third respondent was appointed on extraneous reasons through political influence. It is the contention of the petitioner that the important condition laid down in the notification is that the distance between the place of residence of the candidate and place of work should not exceed 3 Kms. The distance between the residence of the petitioner and place of work i.e., Panchayat Union Primary School, Oradiyampulam, Vedharanyam Taluk, Nagapattinam District is only 300 mts.

4. It is the contention of the petitioner that the third respondent did not specify the norms prescribed in the notification. The distance between the house of the third respondent and place of work comes around 6 Kms. The third respondent is unmarried. An unmarried women should not apply for the post of Noon Meal Organizer. But she has been selected and appointed for the said post. The education qualification of the third



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respondent is +12 and she is studying in the College, but the petitioner is 10th standard pass and as such ought to have been appointed in that post.

The age of the petitioner is 40 years but the age of the third respondent is 21 years. As it is her last opportunity as per the age she should have been appointed.

5. The respondents did not choose to file the counter affidavit.

6. The learned Government Advocate appearing for the second respondent based on the written instructions received from the second respondent, submits that on 30th January, the vacancy for the post of Noon Meal Organizers in Nagapattinam District have been notified by the District Collector adopting the rule of reservation. The applications were received from 01.02.2017 to 15.02.2017 in panchayat union office. The eligible candidates were called for interview on 22.02.2017 and 23.02.2017. The eligible candidates have been interviewed by the selection committee and records related to interview have been handed over to the District Collector on 23.02.2017. The total number of applications received are 51, number of



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persons participated in the interview are 45 and after examining all the applications the third respondent was selected as the suitable person and accordingly the third respondent was appointed as Noon Meal Organizer as per the order dated 23.05.2017. The third respondent also joined the duty as Noon Meal Organizer on 01.06.2017.

7. He further submits that there is no restriction to the unmarried women for applying the post of Noon Meal Organizer. He also submitted that the petitioner and the third respondent both are residing within the distance as prescribed in the Government Orders.

8. On careful consideration of the materials available on record and the contentions of the learned Government Advocate appearing for the second respondent, it appears that as contended by the petitioner there is no restriction to the unmarried women for applying for the post of Noon Meal Organizer and the respondent No.3 is also residing within the distance as prescribed in the Government Orders.



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9. In the considered opinion of this Court the petitioner failed to make out any case warranting the interference of this Court for quashing the appointment order in favour of the petitioner.

10. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
NCC : Yes/No
Speaking order : Yes/No



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To
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BATTU DEVANAND, J.

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