



W.P(MD) No.2008 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.2008 of 2024

and

W.M.P.(MD).Nos.2007 & 2010 of 2024

M.G.Rajan

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by its Secretary to Government,
Social Welfare & Nutritious Meal Programme Department,
Fort St. George,
Chennai-9.

2. The District Collector,
Collectorate Campus,
Madurai,
Madurai District.

3. The Personal Assistant to District Collector, (Nutrition)
Collectorate Campus,
Madurai,
Madurai District.

4. The Commissioner,
Madurai East Panchayat Union,
Madurai,
Madurai District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in his proceedings in ந.க.எண். 53190/2009/ச.உதி-1 dated 01.06.2023 and quash the same as illegal and consequentially to direct the Respondents to provide employment in the petitioner as Noon Meal Organizer or any entry level post on compassionate ground by taking into account of his indigent circumstances without reference to availability of female legal heir and in terms of order made in W.A.(MD).No.702 of 2007 dated 08.01.2008 and in the light of G.O.Ms.No.125, Social Welfare & Nutritious meal Programme Department dated 18.08.2010.

For Petitioner	: Mr.C.Venkatesh Kumar for M/s.Ajmal Associates
For Respondents	: Mr.A.Baskaran Additional Government Pleader

ORDER

The instant writ petition has been filed by the son of a deceased Noon Meal Organizer, challenging the order dated 01.06.2023, passed by the third respondent herein, wherein, the request for his appointment as a Noon Meal Organizer has been rejected.



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2. A perusal of the records indicate that the petitioner's father was working as a Noon Meal Organizer at Panchayath Union Primary School, Kunnathur, Madurai District, while he was in service, he had died on 01.09.2010, leaving behind his wife and two sons as his legal heirs. The petitioner herein had applied to the post of Noon Meal Organizer on 18.10.2010, on compassionate grounds. The said request has been rejected under the impugned order dated 01.06.2023, on the sole ground that as per G.O.Ms.No.48, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2021, the post of Noon Meal Organizer is reserved for women candidates alone. This order is put to challenge in the present writ petition.

3. The learned Counsel appearing for the writ petitioner had relied upon the judgement of this Court in W.P.(MD).No.28231 of 2023, dated 26.06.2024, wherein, this Court has declared the clause which excluded the male legal heirs in G.O.Ms.No.48 as violative of Articles 14 and 16 of the Constitution of India and set aside the same. Therefore, as on today, the exclusion of Male legal heirs for being appointed as a Noon Meal Organizer is not legally sustainable.



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4. In view of the above said facts, the order impugned in this writ petition is set aside, the matter is remitted back to the file of the third respondent herein with a direction to consider the request of the petitioner for compassionate appointment in the light of the judgement of our High Court and pass orders within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above said observations, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

18.11.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No

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To

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R.VIJAYAKUMAR, J.

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