



W.P.(MD)No.13752 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.13752 of 2018

and

W.M.P.(MD).No.12489 & 12490 of 2018

D.Rani

... Petitioner

Vs.

1.The District Collector,
Thanjavur District, Thanjavur.

2.The Commissioner,
Budalur Panchayat Union,
Budalur, Thanjavur District.

3.Muthumanickam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the impugned order of appointment issued to the third respondent vide his proceedings in Na.Ka. 182/2017/Sa.Vu.Thi-1 dated 06.02.2018 and quash the same as illegal and arbitrary in view of conditions stipulated in G.O.Ms.No.163 Social Welfare and Nutritious Scheme (Sa.Vu.Thi.2) Department dated 18.08.2010 and consequently direct the first respondent to appoint me as Nutritious Noon Meal Organiser in Panchayat Union Primary School, Vendayampatti, Budalur Block, Thanjavur District in the light of the order passed by the Hon'ble Division



W.P.(MD)No.13752 of 2018

Bench in W.A.No.2728 of 2012, dated 31.07.2017 within the time stipulated by this Court.

For Petitioner : Mr.B.Satheshkumar,
for Mr.G.Thalaimutharasu
For R-1 & R-2 : Ms.D.Farjana Ghoushia,
Special Government Pleader
For R-3 : No Appearance

ORDER

Heard Mr.D.Satheshkumar, learned counsel appearing for the petitioner and Ms.D.Farjana Ghoushia, learned Special Government Pleader appearing for the respondent Nos.1 and 2.

2. This Writ Petition has been filed challenging the appointment of the third respondent to the post of Noon Meal Organizer under the impugned order of the first respondent, dated 06.02.2018.

3. In the year 2018, both the petitioner and the third respondent have applied for the post of Noon Meal Organizer. However, in the selection process, the third respondent has been appointed as Noon Meal Organizer which is challenged by the petitioner in this Writ Petition. The petitioner has challenged the said order on the ground that the third respondent did not satisfy the residential requirements criteria as per the recruitment notification.



W.P.(MD)No.13752 of 2018

4. According to the petitioner, as per the recruitment notification, any applicant seeking for appointment of the Noon Meal Organizer should reside within three kilometers radius from the place of the service. According to the petitioner, since the third respondent is residing beyond three kilometers radius, he is not entitled to be appointed, but, erroneously and illegally, he has been appointed by the official respondents.

5. A counter affidavit has been filed by the second respondent denying the contentions of the petitioner and they would categorically contended that the third respondent has satisfied the residential criteria as he is residing only within three kilometers radius. According to them, the third respondent was residing at Vinnanoorpatti Village at the time when he was issued the appointment order which is within three kilometers radius as stipulated under the recruitment notification. It is also stated that the third respondent had given his Election Identity Card and Family Card which clearly proved that he is residing in Vinnanoorpatti Village, which is within three kilometers radius satisfying the residential criteria as per the recruitment notification.

6. However, learned counsel appearing for the petitioner would submit that Vinnanoorpatti Village is 10 kilometers away from Vendayampatti Village.



W.P.(MD)No.13752 of 2018

However, he has failed to produce any documentary evidence before this Court to prove the same. When a categorical assertion has been made by the respondents that Vinnanoorpatti Village to which the third respondent belongs, is within three kilometers radius from Vendayampatti Village and the third respondent had also produced Election Identity Card and Family Card to prove his address, the question of entertaining this Writ Petition of the petitioner on the ground that the third respondent has not satisfied the residential criteria does not arise. Further, this Writ Petition is of the year 2018. No interim order was granted granting interim stay of the appointment of the third respondent as Noon Meal Organizer at the time of admission of this Writ Petition. The third respondent has also joined duty and he is now continuing in service.

7. For the foregoing reasons, there is no merit in this Writ Petition and the same stands **dismissed**. No costs. Consequently, connected miscellaneous petitions are closed.

16.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



W.P.(MD)No.13752 of 2018

To

- 1.The District Collector,
Thanjavur District, Thanjavur.
- 2.The Commissioner,
Budalur Panchayat Union,
Budalur, Thanjavur District.



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W.P.(MD)No.13752 of 2018

ABDUL QUDDHOSE, J.

TSG

W.P.(MD)No.13752 of 2018

16.08.2024