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W.P. No.24105 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE C.SARAVANAN

W.P.No.24105 of 2013

Perumi

... Petitioner

Vs.

1.The District Collector
Dharmapuri.

2.The Commissioner
Panchayat Union
Palacode, Dharmapuri District.

3.Amudha

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the orders in Na.Ka.No.11393/2012/X1 dated 06.09.2012 on the file of the first respondent, quash the same and to direct the first respondent to select and appoint the petitioner for the post of Noon-Meal Organiser for the Sugar Mill Panchayat Union Primary School, Palacode.



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W.P. No.24105 of 2013

For Petitioner : Mr.R.Selvakumar
For R1 & R2 : Mr.R.Kumaravel
Additional Government Pleader
For R3 : Mr.K.S.Gowtham
for Mr.S.C.Viswanth

ORDER

In this writ petition, the petitioner has challenged the appointment of the 3rd respondent as a Noon Meal Organiser at the Sugar Mill Panchayat Union Primary School, Palacode, pursuant to the applications that were called for by the respondents.

2. The specific case of the petitioner is that the aforesaid post at the above School was specifically reserved for candidates belonging to Scheduled Caste community and however, the official respondents have appointed the 3rd respondent who belongs to Scheduled Caste (Arunthathiyar) community.

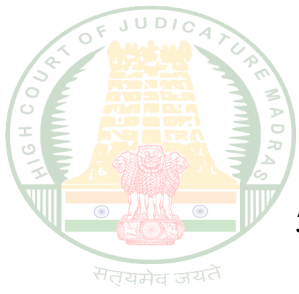
3. The respondents justify the appointment of the 3rd respondent in their counter by stating that, as per communal rotation envisaged under G.O.Ms.No.142, P & AR Department-Special Reservation for SC



(Arunthathiyar), dated 14.10.2009, the post of Noon Meal Organiser at Sugar Mill Panchayat Union Primary School was allotted to persons belonging to Scheduled Caste (Arunthathiyar).

4. In the counter it has been stated that the interview was conducted at Collectorate, Dharmapuri, and out of which the 3rd respondent, who scored highest marks was selected to the post of Noon Meal Organiser at Sugar Mill Panchayat Union Primary School. In the Counter, it also been stated that the reservation for the posts of Noon Meal Organiser, Noon Meal Cook and Noon Meal Helper have been ordered only based on G.O.Ms.No.142, P & AR Department, dated 14.10.2009. In paragraph No.5 of the counter, it is further stated as follows:-

“As such there is no violation of any G.Os. It is true and Correct that, since the Reservation is meant for Scheduled Caste only, then any candidates belongs to Scheduled Caste (Including Arunthathiyar) could apply to the post. As such the 3rd respondent Smt.Amudha was one of the eligible candidates applied for this vacant post and got selected. Additional marks were awarded to the 4th respondent by the interview committee as per rules by considering her age of appointment.”



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5. The learned counsel for the respondents has filed copies of the Government orders and the proceedings of the 2nd respondent dated 30.07.2012 and the marks awarded to the candidates who appeared for interview conducted at the Collectorate. To substantiate their stand, the respondents in their counter affidavit at paragraph No.9 have stated as follows:

“9. So far as para No.11 concerned, it is submitted that the contention of the petitioner is incorrect that the communal rotation for the vacancy arisen to that particular school is not meant for the Arunthathiyars in Scheduled Caste as per the G.O.Ms.No.142/P&AR Department dated 14.10.2009 and it is correct that Arunthathiyars could also eligible for apply the post that is meant for Scheduled Caste. It is true and Correct that, since the Reservation is meant for Scheduled Caste only, then any candidates belongs to Scheduled Caste (Including Arunthathiyar) could apply to the post. As such the 3rd respondent Smt.Amudha was one of the eligible candidates applied for this vacant post and got selected. Additional marks were awarded to the 3rd respondent by the interview committee as per rules by considering her age of appointment. There is 200 points Reservations for the posts of Noon meal Organiser, Noon Meal Cook and Noon Meal Helper that have been ordered only based on G.O.Ms.No.142 P & AR Department, dated 14.10.2009. As such there is no violation of any G.Os.”

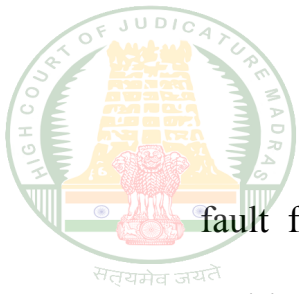
6. Having considered the submissions made by the learned counsel



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for the petitioner and learned counsel for the respondents, and having perused the Government orders and the counter filed by the respondents, it is clear that there has been violation of the Government order in G.O.Ms.No.50, Adi Dravidar and Tribal Welfare (TD2) Department, dated 29.04.2009. As such the appointment of the 3rd respondent is clearly contrary to G.O.Ms.No.142, P & AR Department-Special Reservation for SC (Arunthathiyar), dated 14.10.2009. Merely because the 3rd respondent secured higher marks and was allowed to give her application, would not justify the appointment of the 3rd respondent, as the post was specifically reserved only for the candidates belonging to Scheduled Caste. In the counter also, the respondents have not denied that the post is meant only for Scheduled Caste and the post was reserved for candidates belonging to scheduled Caste (Arunthathiyar).

7. That being the case, the Impugned Order, dated 06.09.2012 passed by the 1st respondent appointing the 3rd respondent has to be held as without any basis. However, the fact remains that more than 12 years have passed since filing of the writ petition. The 3rd respondent cannot be displaced at this distant point of time. The 3rd respondent cannot be found



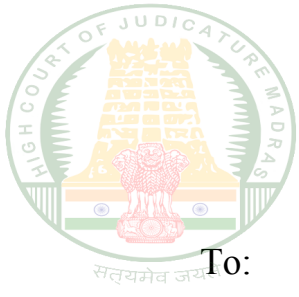
W.P. No.24105 of 2013

fault for the mistake committed by the official respondents herein. The petitioner cannot be denied the rightful opportunity of being employed as a Noon Meal Organizer. Considering the fact that the petitioner would be around 45 years old, the official respondents are directed to ensure that the petitioner is absorbed as a Noon Meal Organiser in any School in the vicinity or in any other place of petitioner's residence within a period of three (3) months from the date of receipt of a copy of this order. The petitioner shall be given all attendant service benefits, including a salary from the date of the Impugned Order.

8. Accordingly, the writ petition is disposed of. The connected miscellaneous petitions, if any, shall stand closed. No costs.

13.02.2025

Index : Yes/No
Speaking Order : Yes/No
dpa



W.P. No.24105 of 2013

To:

WEB COPY

- 1.The District Collector
Dharmapuri.
- 2.The Commissioner
Panchayat Union
Palacode, Dharmapuri District.

C.SARAVANAN,J.



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W.P. No.24105 of 2013

dpa

W.P.No.24105 of 2013

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