



WEB COPY



W.P. No. 22885 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. No. 22885 of 2018

and

W.M.P. No. 26759 of 2018

D. Chitra

... Petitioner

Vs.

1.The District Collector,
Cuddalore, Cuddalore District.

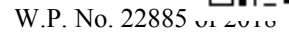
2.The Panchayat Union Commissioner,
Mangalore – 606 108
Veppur Taluk, Cuddalore District.

3.A. Ramijabi

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the first respondent in his proceedings No.Na.Ka.PT 1/298/2016 dated 11.06.2018, quash the same and direct the respondents to select and appoint the petitioner as Noon Meal Organisez in Adi Dravidar Welfare Elementary School at Vadakarampoondi, Cuddalore District and confer all the consequential benefits.

For Petitioner : Mr. V. Sivalingam
For Respondents : Mr. L.S.M. Hasan Fizal, for R1
Additional Government Pleader
Mr. K.H. Ravi Kumar, for R2
Government Advocate
No Appearance for R3



ORDER

This Writ Petition has been filed against the appointment of the third respondent as Noon Meal Organizer in Adi Dravidar Welfare Elementary School at Vadakarampoondi, Cuddalore District vide proceedings No.Na.Ka.PT 1/298/2016 dated 11.06.2018 by the first respondent.

2. Learned counsel for the petitioner would submit that the petitioner is a resident of Vadakarampoondi Village and she is entitled for appointment as Noon Meal Organizer which is notified for General Non-Priority category. Learned counsel submits that as per the relevant rules, local residents should be considered and appointed in the absence of qualified candidates alone, it can be filled up from the outsiders. He submits that the third respondent is not a resident of that Village and therefore, her appointment is contrary to the relevant rules and sought to set aside her appointment. Learned counsel further submits that the petitioner is aged 41 years and she is unmarried and as she lost her mother, she has to look after her aged father. As per the learned counsel for the petitioner, the petitioner deserves more consideration than the third respondent. But without considering all these aspects, the first respondent appointed the third respondent as Noon Meal Organizer and as such, it is liable to be set aside by allowing the writ petition.



3. On behalf of respondent No.2, a counter affidavit has been filed. It is averred in the counter affidavit that the third respondent satisfied the criteria of residence at the distance of 3 km radius from the Noon Meal Centre.

4. Learned counsel appearing for the third respondent also submits that the third respondent is residing within the 3 km radius and accordingly, her appointment is in accordance with the relevant rules.

5. As the petitioner took serious objection with respect to the residence of the third respondent, to put an end to this issue, this Court by order dated 28.11.2024, directed the second respondent to measure the distance from the residence of the third respondent to the Noon Meal Centre, in the presence of the petitioner and third respondent and submit a report before this Court. Accordingly, the second respondent placed a report dated 09.12.2024 wherein it is stated that in the presence of the petitioner and the third respondent, conducted measurement between the third respondent's residence to the Noon Meal Centre and it is found that it is exactly 3 kms.

6. On perusal of the said report, it is clear that the third respondent is residing at the distance of 3 km from the Noon Meal Centre.



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7. In view of the said report, this Court is of the considered opinion that there is no substance in the contention of the learned counsel for the petitioner that the third respondent is not the resident of within the 3 km radius. The petitioner also could not file any evidence to show that the third respondent is not residing within the 3 km of radius.

8. Under these circumstances, in our considered view, the petitioner failed to make out any case warranting interference of this Court and accordingly, this Writ Petition is liable to be dismissed.

9. For the aforesaid reason, this Writ Petition is dismissed.

10. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

29.01.2025

Index :Yes/No
Neutral Citation :Yes/No
AT



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To

1.The District Collector,
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Cuddalore District.

2.The Panchayat Union Commissioner,
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Veppur Taluk,
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BATTU DEVANAND, J.

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