



W.P No. 39321 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 01.08.2025

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 39321 of 2016

AND

W.M.P.Nos. 33652 & 33653 of 2016

Aided Elementary School,
Rep. by its Manager
Kachirayanatham,
Kotteri Post, Virudhachalam Taluk,
Cuddalore District

..Petitioner

Vs

1.The Secretary to Government
Social Welfare and Nutrition Meal
Programme Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600009.

2.The District Collector,
Cuddalore District,
Cuddalore.

3.The Perssommel Assistant to
The District Collector of Cuddalore
(Noon Meal Programme)
Cuddalore

..Respondents



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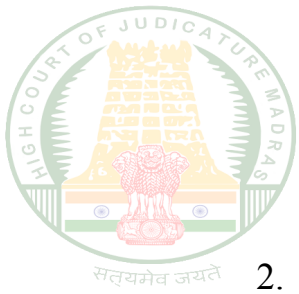
WEB COPY Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified mandamus, Calling for the records relating to the G.O.Ms.No.4 dated 6.1.2011 and G.O.Ms.No.72 dated 30.04.2012 Social Welfare and Nutrition Meal Programme (NMS-2 Department issued by the 1st respondent and the proceedings passed by the 2nd respondent in Na.Ka.P.T.1/ 7256/2011 dated 29.08.2016 and quash the same and direct the respondents to fill up the post of Noon Meal Cook by promoting the candidate Mrs.P.Ranjitham working in the petitioners school or by calling up the list of candidates from the petitioners school in respect of Noon Meal Organizer Noon Meal Cook and Noon Meal Cook Assistant in the petitioners school.

For Petitioner : No Appearance

For Respondents : Mrs. R.L.Karthika, G.A

ORDER

The petitioner an aided elementary school has approached this Court seeking the issuance of a writ of certiorari to quash the Government Orders issued in G.O. Ms. No. 4 dated 06.01.2011 and G.O. Ms. No. 72 dated 30.04.2012, both issued by the Social Welfare and Nutritious Meal Programme (NMS-2 Department), the 1st respondent herein. The petitioner also challenges the proceedings issued by the 2nd respondent in Na.Ka.P.T.1/7256/2011 dated 29.08.2016, and seeks a consequential direction to the respondents to fill up the posts of Noon Meal Cook by promoting the candidates working in the petitioner's school.



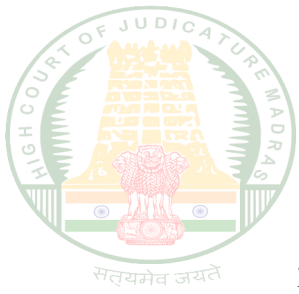
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2. Heard the submissions of Mrs. R.L. Karthika, learned Government Advocate appearing for the respondents, and perused the materials available on record.

3. Mrs. R.L. Karthika, learned Government Advocate for the respondents, placed reliance on a judgment of the Division Bench of the Madurai Bench of the Madras High Court, wherein a similar issue was considered in a batch of writ appeals in W.A.(MD) No. 792 of 2015, etc., and W.P.(MD) No. 18443 of 2015, etc. The Division Bench, by order dated 22.03.2017, allowed the writ appeals and set aside the order passed by the learned Single Judge, thereby upholding the validity of the impugned Government Orders. Paragraphs 86 to 88 of the said judgment are squarely applicable to the facts of the present writ petition and are extracted as follows:

“86. In the light of the decisions and discussion, we hardly find any irrationality, arbitrariness or unreasonableness, behind the above stipulation C P made in G.O.Ms.No.4, Social Welfare and Nutritious Meal Programme According to us, there is basis for Department, dated 06.01.2011. classification, reasonableness and clear nexus, between the classification and the object sought to be achieved. Legislature or the Government has a wide discretion in making the classification and the impugned G.O., does not reflect hostile discrimination against a class of persons.



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Therefore, G.O.Ms.No.4, Social Welfare and Nutritious Meal Programme Department, dated 06.01.2011, imposing different procedure for appointment in the Nutritious Meal Centre of Government Aided Minority School and Nutritious Meal Centre of Government Aided Non-Minority School is not hit by Articles 14 or 16 of the Constitution of India.

87. Therefore, we are of the considered view that the writ Court has not considered the issue in its right perspective, and it has committed an error in law by quashing G.O.Ms.No.4, Social Welfare and Nutritious Meal Programme Department, dated 06.01.2011.

88. In view of our above decision, the validity of the said criteria i.e. imposing different procedure for appointment for Government Aided Minority School and Government Aided Non-Minority School vide G.O.Ms.No. 4, Social Welfare and Nutritious Meal Programme Department, dated 06.01.2011 is upheld.”

4. In light of the above decision of the Hon'ble Division Bench, this writ petition is dismissed as being devoid of merit. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

01.08.2025

Index : Yes/No

Internet : Yes

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HEMANT CHANDANGOUDAR, J.

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