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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-06-2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

WP NO. 14995 of 2020

AND

WMP NO. 18662 OF 2020

L.Indira

W/o. Loganathan, Mariamman Koil Street,
Alangkuppam, Thiruvenneinallur Taluk,
Villupuram District- 607 107.

....Petitioner(s)

Vs

1.The District Collector

O/o. The District Collector, Villupuram District.

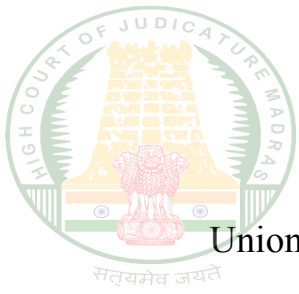
2. The Zone Development Officer

Panchayat Union, Thiruvennainallur,

Villupuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent, being the advertisement bearing the nomenclature, "Pathirikkai Seithi" vide Na.Ka.No.BE4/2382/2020 dated 22.09.2020 in so far as the interview and appointment for position of Helper to the Cook under the Puratchi Thalaivar MGR Nutritious Meal Program for the school at Thiruvennaiyur Panchayat



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Union, Villupuram District is concerned and consequently direct the respondents to appoint the petitioner to the said position based on the earlier interview held on 11.09.2018.

For Petitioner : Mr.N.Vijayakumar for
M/s.T.Gowthaman

For Respondents : Mr.P.Kumaresan, AAG
assisted by Mr.Gowthamaraj, GA for R1
Mr.S.Prabakaran for R2

ORDER

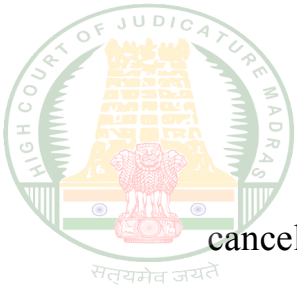
This petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent, being the advertisement bearing the nomenclature, "Pathirikkai Seithi" vide Na.Ka.No.BE4/2382/2020 dated 22.09.2020 insofar as the interview and appointment for position of Helper to the Cook under the Puratchi Thalaivar MGR Nutritious Meal Program for the school at Thiruvennaiyur Panchayat Union, Villupuram District is concerned and consequently direct the respondents to appoint the petitioner to the said position based on the earlier interview held on 11.09.2018.



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2. According to the petitioner, she is a widow, belonging to Yadhava Idaiyar Caste which is a backward community (BC). Pursuant to a notification issued by the 1st respondent dated 28.07.2018 calling for applications to fill up the post of Helper to the Cook under PT MGR Nutritious Meal Programme for the school at Thiruvennaiyur Panchayat Union, she applied for the same and subsequently, she also attended the interview on 11.09.2018. The grievance of the petitioner is that while she was in anticipation of getting appointment order, to her shock and surprise, the 1st respondent again issued impugned advertisement dated 22.09.2020, calling for applications for the very same post to which, she already applied and attended the interview. In such circumstances, the petitioner made a detailed representation dated 26.09.2020 to the respondents, but the respondents have not acted upon the same but proceeding towards fresh appointment, the petitioner has constrained to file the present Writ Petition before this Court.

3. A counter affidavit has been filed on behalf of the 1st respondent, wherein, it is stated that the notification dated 28.07.2018 and the interview conducted to the petitioner on 11.09.2018 to the post of Cook Assistant was



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cancelled by following the instructions of the Secretary to Government, Social Welfare and Nutritious Meal Programme, Chennai, vide D.O. Letter dated 20.03.2020 due to administrative reasons. After cancellation of the said notification, a new notification was issued on 22.09.2020 to fill up the vacancies in Noon Meal Programme and the applications were received from various incumbents. However, due to Covid-19, the Government of Tamil Nadu vide Press Release No.743, dated 08.10.2020, withheld the process of the recruitment. In these circumstances, the representation of the petitioner could not be processed. With these averments, the 1st respondent sought for dismissal of the Writ Petition.

4. This Court, vide order dated 06.06.2025, taking note of the fact that the subject notification came to be cancelled except stating on administrative grounds, while directing the respondents not to fill up the vacancy of Helper to the Cook, pending further orders, the 1st respondent was directed to produce the original records pertaining to the notification 2018 and records pertaining to the cancellation of the said notification.

5. In compliance of the order dated 06.06.2025 of this Court, the first



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respondent produced the original records pertaining to the notification 2018

and its cancellation. On perusal of the said records, it appears that the

Secretary, Social Welfare and Nutritious Meal Programme Department,

Chennai, issued D.O.Letter no.3050/SW4 2/2020-2 dated 20.03.2020

wherein, it was informed to the first respondent that all the advertisements

and interviews hitherto conducted to fill up the posts under PT MGR

Nutritious Meal Programme through direct recruitment may be cancelled

forthwith in the light of the decision taken in the Meeting held on

29.01.2020 under the Chairmanship of Hon'ble Minister for Social Welfare

and Nutritious Meal Programme Department, with regard to the

implementation of the PT MGR Noon Meal Scheme. On perusal of the

said letter, it further reveals that the decision was taken to finalize all the

compassionate appointment proposals pending in the Office of the District

Collectors at once and to enable them to take action to promote the eligible

Nutritious Meal Organisers, Cook and Cook Assistants by following the

existing guidelines. It is also made clear in the said letter that if it is not

feasible to provide promotion, the number of Nutritious Meal Organisers,

Cooks and Cook Assistants, who are eligible for promotion, may be arrived

at and the corresponding number of posts may be kept as reserved and then

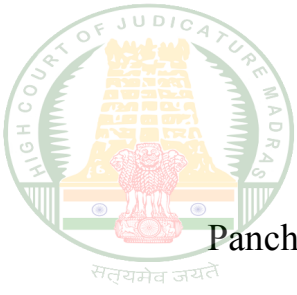


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the remaining posts viz., Nutritious Meal Organisers, Cook and Cook Assistants may be filled up duly following the existing guidelines stipulated in G.O.(MS) No.163, Social Welfare and Nutritious Meal Programme (SW4-2) Department, dated 18.09.2020.

6.The learned Additional Advocate General appearing for the respondents would submit that as per the decision taken by the State Government to finalize the compassionate appointment proposals pending with the District Collectors and to promote eligible persons working in the PT MGR Noon Meal Scheme, a decision was taken in a Meeting held on 29.01.2020, to cancel all the advertisements and interviews conducted during that relevant time. He would further submit that based on the decision of the State Government only, the first respondent has cancelled the notification issued in the year 2018 and also the consequential interviews conducted on 05.09.2018.

7.The learned counsel for the petitioner would submit that pursuant to the notification issued in the year 2018 for the post of Helper to the Cook under the Noon Meal Programme for the school at Thiruvennaiyur



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Panchayat Union, Villupuram District, interviews were conducted on

05.09.2018 and the petitioner attended the interview and she performed well

in the interview but the respondents without any valid reason, illegally cancelled the said notification and the interview. Again, the respondents issued notification in the year 2020 for the said post and again, it was also cancelled. The learned counsel contends that thereafter, for 5 years, no notification was issued. Only in the year 2024, the respondents issued notification to fill up the said vacancy. By that time, the respondents changed the educational qualification pertaining to the post of Helper to the Cook under the said scheme. Due to that reason, the petitioner could not submit her application.

8. The learned counsel for the petitioner further submits that as per the earlier Rules, the candidate should have passed 8th Standard to become eligible to make an application for the post of Helper to the Cook. But as per the educational qualification prescribed in the year 2025, the candidate should have passed 10th Class. Due to that reason, the petitioner could not submit her application.



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9. Considering the submissions of the learned counsel for the petitioner and the learned Government Advocate and upon careful examination of the entire material on record and also considering the fact that it is averred in the affidavit, that the post of Helper to Cook under the PT MGR Noon Meal Scheme for the school at Thiruvennaiyur Panchayat Union, Villupuram District has not been filled yet, in our considered view, it is appropriate and reasonable and desirable, by taking into account the pathetic condition of the petitioner since now she is aged about more than 40 years and she is not eligible to make an application pursuant to the fresh notification as per the present Rules, this Court feels that it would be appropriate and justified to direct the respondents to start the process to fill up the said post by conducting the selection process consequent to the stage of interview which was conducted on 05.09.2018 and as per the marks awarded in the interview, if the petitioner had secured highest marks, she should be appointed in the said post, in the interest of justice.

10. For the reasons stated above, this Writ Petition is allowed with the following direction:

- (i) the respondents are directed to restart the selection process for



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appointment to the post of Helper to the Cook consequent to the interview held on 05.09.2018 and pass appropriate orders as per the Rules prevailed at that time, within a period of four weeks from the date of receipt of a copy of this order.

No costs.

Consequently, connected miscellaneous petition is closed.

20.06.2025

Index : Yes/No
Speaking order: Yes/No
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To
1. The District Collector
O/o. The District Collector, Villupuram District.

2. The Zone Development Officer
Panchayat Union, Thiruvannainallur,
Villupuram District.



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BATTU DEVANAND, J

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Writ Petition No.14995 of 2020

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