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W.A.No.2643 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR. JUSTICE C.SARAVANAN

W.A.No.2643 of 2022

R.Sathiavanimuthu

.. Appellant

Vs

1 The District Collector
Villupuram
Villupuram District.

2 S.Renuka

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent to set aside the order passed in W.P.No.19291 of 2017, dated 15.09.2022.

For Appellant : Mr.P.Mohanraj

For Respondents : Mr.R.Kumaravel
Additional Government Pleader
for 1st respondent



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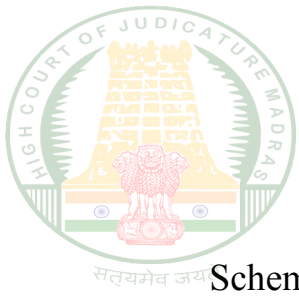
JUDGMENT
(Delivered by S.S.Sundar, J.)

This appeal is directed against the order of the learned Single Judge dated 15.09.2022 in W.P.No.19291 of 2017.

2. Heard Mr.P.Mohanraj, learned counsel for the appellant and Mr.R.Kumaravel, learned Additional Government Pleader for the first respondent.

3. The appellant has filed writ petition in W.P.No.19291 of 2017 to quash the order of the first respondent dated 21.06.2017 appointing the second respondent as Noon Meal Organizer and to direct the first respondent to appoint the appellant as Noon Meal Organizer in the place of the second respondent.

4. Referring to G.O.Ms.No.163, Social Welfare and Nutritious Meal



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Scheme (NMS 2) Department, dated 18.8.2010, the learned Single Judge found that the selection of the second respondent is contrary to the said Government Order, as the second respondent is not residing within three kilometers as required by G.O.Ms.No.163, dated 18.08.2010. While quashing the order impugned in the writ petition, learned Single Judge directed fresh selection by issuing a fresh notification for the purpose of selection and appointment to the post of Noon Meal Organizers of the Centre concerned.

5. The appeal is filed by the appellant only for the limited purpose that the first respondent ought to have considered the other candidates for the said post, as there is no allegation or disqualification pleaded as against the appellant.

6. Learned Additional Government Pleader submitted that 11 candidates have attended the interview on 01.02.2017.



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7. There cannot be a direction to appoint the appellant in the place of the second respondent, as the authority has not considered the eligibility of other candidates. We, therefore, direct the first respondent to consider the candidature of other candidates who had attended the interview on 01.02.2017 and appoint any one of them, who is otherwise eligible to the post, on merits.

8. With the above modification, the appeal stands partly allowed. There shall be no order as to costs. Consequently, C.M.P.No.21199 of 2022 is closed.

(S.S.SUNDAR, J.)

(C.SARAVANAN, J.)

14.02.2025

Index : Yes/No
NC : Yes/No
bbr

To:
The District Collector
Villupuram
Villupuram District.



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AND
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