

W.P.(MD)No.6426 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 10.02.2025

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THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.6426 of 2019
and
W.M.P.(MD)Nos.5138 & 5139 of 2019

Sengundhar Subramaniaswamy

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.

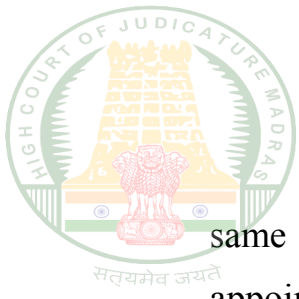
2. The Personal Assistant to the District Collector,
O/o the District Collector,
Virudhunagar District,
Virudhunagar.

3. The Commissioner / Block Development Officer,
Rajapalayam Panchayat Union,
Rajapalayam Town,
Virudhunagar District.

4. M.Kaleeshwari

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Na.Ka.R.3/706/2018 (35), dated 28.02.2019 on the file of the 1st respondent herein and to quash the



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same as illegal and consequently, direct the 1st respondent herein to appoint a Noon Meal Organizer from amongst the Panel submitted by the petitioner school dated 28.12.2018 within a stipulated period.

For Petitioner : Mr. M.Thirunavukkarasu

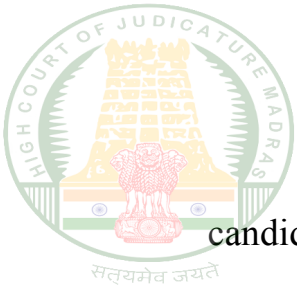
For R-1 to R-3 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

For R-4 : No appearance

ORDER

This Writ Petition has been filed challenging the order dated 28.02.2019 in Na.Ka.R.3/706/2018 (35), on the file of the 1st respondent herein and consequently, direct the 1st respondent herein to appoint a Noon Meal Organizer from amongst the Panel submitted by the petitioner school dated 28.12.2018 within a stipulated period.

2. It is stated in the affidavit that the petitioner is the Secretary of the petitioner School, which is a private aided School governed by Tamil Nadu Private School Regulation Act and Rules. The School management has to manage the noon meal scheme. In as much as selection of the noon meal organizer, the petitioner School forwarded a list of five



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candidates to the District Collector, the first respondent herein, vide representation, dated 28.12.2018. The first respondent appointed the fourth respondent as noon meal organizer to the petitioner School stating that the fourth respondent has been transferred and deployed as noon meal organizer of petitioner School, since the noon meal centre, previously worked by fourth respondent did not possess required strength of beneficiaries. Hence, this writ petition came to be filed.

3. The learned Counsel appearing for the petitioner would submit that the petitioner School is a private aided School, and any appointment can only be made with the concurrence of the School management, in accordance with the rules and regulations. The representation submitted by the petitioner School is still pending. Transferring the fourth respondent from another School to the petitioner School, without passing any order on the representation submitted by the petitioner School, is not valid in law.

4. Per contra, learned Counsel appearing for the respondents 1 to 3 submitted that as per G.O.M.S.No.4, Social Welfare and Nutritious Meal Programme (NMP-II) Department dated 06.01.2011, the District



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Collector is the appointing authority, and there is no rule and provision available to consider the request of the petitioner that the School Management has to avail concurrence with the school management for appointing the noon meal organizer post. The contention of the petitioner is not valid in the eyes of law, and prays for dismissal of the writ petition. The learned Government Advocate also drew the attention of this Court to the counter filed by the respondents 1 to 3 and the same is extracted hereunder:

“8. It is submitted that the averment of the Petitioner herein in Grounds paragraphs 'a' to 'f' are repetitious and devoid of truth. The appointment to the post of Noon Meal Organizer in the Petitioner School was made by following the procedures prescribed in the Government order in vogue viz. as per G.O. Ms. No. 4 Social Welfare and Nutritious Meal Programme Department dated 06.01.2011, the District Collector is the appointing authority and that the Petitioner school being a non minority institution has no say in the appointment of staff attached with the Noon Meal Centre and that there is no necessity either to consult him or appoint a person recommended by him and that as per the said G.O., only the Minority institutions have to be consulted for the appointment of Noon Meal employees. The rules which are in vogue governing the appointment of Noon Meal Organizers is the guidelines in G.O. Ms. No. 163 Social Welfare and Nutritious Meal Programme Department dated 18.8.2010 and followed



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by G.O. Ms. No. 4. Social Welfare and Noon meal Programme Department dated 06.01.2011. It is submitted that this Hon'ble Court in WP (MD) No. 7981 of 2012 and batch cases quashed G.O. Ms. No. 4 dated 06.01.2011 and part of G.O. Ms. No. 163 Social Welfare and Nutritious Meal Programme department dated 18.08.2010 laying down qualification of 3 Kms. Distance for consideration of appointment. Being aggrieved over the same, the Government of Tamil Nadu filed writ appeal in WA (MD) No. 858 of 2012 etc. and the Division Bench of this Hon'ble Court was pleased to grant interim stay by an order dated 18.10.2012 and finally allowed the writ appeal in WA (MD) No. 858 of 2012 dated 22.03.2017 and orders are yet to be received. Hence the G.O. Ms. No. 163 Social Welfare and Nutritious Meal Programme (NMP II) Department dated 18.08.2010 and G.O. Ms. No. 4 Social Welfare and Nutritious Meal Programme Department dated 06.01.2011 are in operation and hence the Petitioner School has no option other than to permit the 4th Respondent to serve as Noon Meal Organizer in the Petitioner School and as such the Petitioner is not entitled for the discretionary relief of this Hon'ble Court much less the relief sought for which is liable for dismissal in limine."

5. There is no such rule or provision that requires the private aided School management to consider the concurrence of the school management when appointing a noon meal organizer. The appointment to the post of noon meal organizer in the petitioner School was made by



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following the procedures prescribed in the Government orders as per

G.O.Ms.No.4, Social Welfare and Nutritious Meal Programme (NMP-II)

Department dated 06.01.2011, wherein, the District Collector is the appointing authority and the petitioner School being a non-minority institution, has no role in the appointment of staff attached to the noon meal centre and there is no necessity either to consult the petitioner School or appoint a person recommended by it. This Court finds no merits in this petition, and there is no liability in this case.

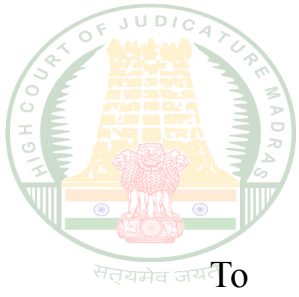
6. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitioners are closed.

10.02.2025

Index : Yes / No

NCC : Yes / No

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To
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Virudhunagar.
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O/o the District Collector,
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M.JOTHIRAMAN,J.

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