



W.A(MD)No.99 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

and

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD)No.99 of 2020

and

C.M.P(MD)Nos.894 & 895 of 2020

B.Pandi

... Appellant/Petitioner

Vs

1.The Secretary to Government,
Social Welfare & Noon Meal Project
Department,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.

2.The Director,
Social Welfare & Noon Mean Project
Chepauk, Chennai 600 005.

3.The District Collector,
Theni District.

...Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 27.08.2019 made in W.P(MD)No.3603 of 2015 and allow this writ appeal.



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For Appellant : Mr.K.Appadurai
For Respondents: Mr.M.Ajmal Khan
Additional Advocate General
Assisted by
Mr.V.Om.Prakash
Government Advocate

JUDGMENT

(Judgment of the Court was made by R.VIJAYAKUMAR,J.)

The petitioner in W.P(MD)No.3603 of 2025 has filed the present writ appeal challenging the dismissal of the writ petition by an order dated 27.08.2019.

2. The petitioner's mother was employed as Noon Meal Organizer and while in service, she passed away on 10.01.2007. The petitioner made an application on 13.06.2007 seeking appointment on compassionate grounds. The said request was rejected by way of an order dated 07.02.2015 on the ground that as per the G.O.Ms.No.198, Social Welfare & Nutritious Meal Project (NMPS2) Department, dated 25.10.2007, only the female candidates could be appointed to the above said post. The order was put to challenge in the writ petition. The Writ Court by an order dated 27.08.2019 dismissed the writ petition on the



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ground that such rule cannot be relaxed. The writ petitioner being a male candidate cannot be appointed as Noon Meal Organizer. Challenging the same, the present writ appeal has been filed.

3. The learned counsel for the appellant relied upon the order dated 26.06.2024 mad in W.P.No.28231 of 2023, wherein, a learned Single Judge of this Court was pleased to strike down the clause which discriminated between the male and female candidates as a Noon Meal Organizer. Relying upon the said judgment, the learned counsel for the appellant submits that when this Court has quashed the particular clause, the petitioner will be entitled to get the appointment under the scheme.

4. However, the learned Additional Advocate General appearing for the respondents brought to the notice of this Court that the order of the Writ Court has been challenged in W.A(MD)No.3532 of 2024 and the Division Bench was pleased to grant an interim order in C.M.P.No.27369 of 2024 and as on today, the interim order is operating. Therefore, it is clear that as per the scheme prevailing as on today, the petitioner could not be accommodated as a Noon Meal Organizer.



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5. In such view of the matter, we are not inclined to the interfere with the order of the Writ Court. However, considering the fact that the appellant has presented the application within a period of three years from the date of death of his mother, the third respondent in the writ appeal may consider his name for granting appointment under any other scheme or as Non Muster Roll employee. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. With this observation, the writ appeal stands disposed of.
No costs. Consequently, connected miscellaneous petitions are closed.

(C.V.K., J.) (R.V., J.)
29.10.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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To
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C.V.KARTHIKEYAN, J.



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R.VIJAYAKUMAR, J.

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ORDER MADE IN
W.A(MD)No.99 of 2020

29.10.2025