



W.A.MD) No.1475 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

W.A(MD)No.1475 of 2017

and

C.M.P(MD)No.11643 of 2017

- 1.The State of Tamil Nadu,
Rep by its Secretary,
Department of Social Welfare
and Nutritious Meals Programme,
Fort St.George,
Chennai-600 009.
- 2.The District Collector,
Kanyakumari District,
District Collectorate
Nagercoil-629 001
Kanyakumari District.
- 3.The Personal Assistant to the
District Collector (Noon Meal)
Kanyakumari District,
Kanyakumari.
- 4.The Commissioner,
Killiyoor Panchayat Union,
Killiyoor,
Kanyakumari District.



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5. Block Development Officer,
Killiyoor – 625 157,
Kanyakumari District.

... Appellant/
Respondents 1 to 6

-Vs-

1. The Correspondent,
St. Joseph's Higher Secondary School,
Vizhunthayambalam-629 173
Kanyakumari District.

...1st Respondent/Writ
Petitioner

2. R. Josephine Sheeba Rani

...2nd Respondent/6th
Respondent

PRAYER: Writ Appeal filed under Clause XV of Letters of Patent Appeal, against the order dated 21.09.2017 made in W.P.No.13287 of 2017 passed by this Court.

For Appellants	: Mr.S.Vinoth Government Advocate
For R1	: Mr.K.Ragatheesh Kumar for M/s.Issac Chamber
For R2	: No appearance

JUDGMENT

DR.G.JAYACHANDRAN, J.
AND
R.POORNIMA, J.

The State has preferred this appeal, being aggrieved by the order of the learned Single Judge, which apparently beyond the scope of the prayer in the writ

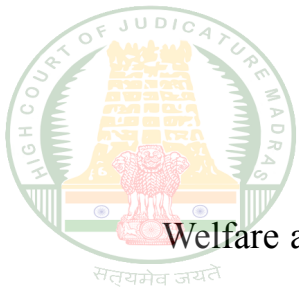


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petition. To be precessed the first respondent Management, when there was an vacancy for the post of Noon Meal Organizer in their School, contemplated to appoint the person of their choice. However, the District Collector, Kanyakumari District, vide proceedings dated 08.07.2017, has appointed the sixth respondent by name Josephine Sheeba Rani as Noon Meal Organizer to the first respondent School. Being aggrieved, the writ petition was filed seeking issuance of Certiorarified Mandamus to call for the appointment order passed by the District Collector in favour of the sixth respondent Josephine Sheeba Rani.

2.The learned Single Judge, while considering the said writ petition, has taken note of the application given by one Meera Jeba Sudha (not a party to the writ petition) seeking appointment as Noon Meal Organiser in the first respondent School, had given a finding that the said Meera Jeba Sudhha is fully eligible and qualified and therefore, the appointment of sixth respondent to be set aside and the said Meera Jeba Sudha's appointment has to be approved, since she is a orphan fully qualified for hold the post.

3.The learned Government Advocate appearing for the appellants would submit that G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme(NMP 2) Department, dated 18.08.2010 and G.O.Ms.No.4 of Social

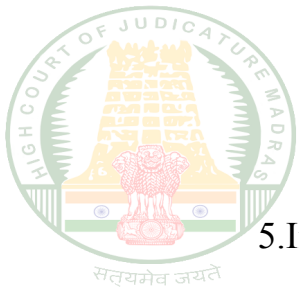


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Welfare and Nutritious Meal Programme (NMP 2) Department, dated 06.01.2011,

envisages the procedure for appointment of Noon Meal Scheme Organiser. In case of minority aided School, whenever there is a vacancy, the Management can recommend the name of five persons to be considered for the appointment. Out of five persons recommended by the Correspondent/Headmaster of the School, the District Collector can choose one among them and issue appointment order. Further the said person so appointed as Noon Meal Organiser must be a resident within 3 Kms from the institution located. Whereas in this case, it has been found that the sixth respondent, whom the District Collector is appointed, was not recommended by the Correspondent of the School which is contrary to G.O.Ms.No.4, dated 06.01.2011. Therefore, there is no apparent error in the order of the learned Single Judge set aside the appointment of Josephine Sheeba Rani, is contrary to the said G.O.

4.At the same time, the observations insofar as Meera Jeba Sudha is obviously erroneous and perverse to the facts and G.O. The appointment to the post of Noon Meal Organizer should be only by the Collector based on the recommendations of the Management. The Management itself *suo motu* cannot appoint and seek post ratification approval from the Collector.



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5. In this case, the Adar Card of Meera Jeba Sudha indicates that she is residing at Villavancode, Kanyakumari District, which is 20 Kms away from the location of the first respondent School. Therefore, on the face of the record, she is not eligible to get an appointment as Noon Meal Organiser in the first respondent School and even if the management has thought it fit to recommend her name, the Government cannot appoint her, since she is not satisfied the required eligible condition. Unfortunately, the learned Single Judge being carried away by the submissions made by the institution that the said Meera Jeba Sudha is orphan to be appointed or not made based on the sympathy, but on satisfaction of the required qualification and merit.

6. Therefore, the order of the learned Single Judge, insofar as directing the respondents to approve the appointment of Meera Jeba Sudha is hereby set aside and the writ appeal is partly allowed. No costs. Consequently, the connected miscellaneous petition is also closed.

[G.J., J.] & [R.P., J.]

20.02.2025

NCC : Yes / No
Index : Yes / No



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DR.G.JAYACHANDRAN, J.
AND
R.POORNIMA, J.

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To

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and Nutritious Meals Programme,
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