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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2025

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.10676 of 2017

and

W.M.P(MD)Nos. 8144 & 15595 of 2017

A.Arumugapandian. (Died)

Hindu Elementary School, Ayyanapuram,
Chatrapatti Post, Rajapalayam Taluk,
Virudhunagar District,
Represented by its Secretary,
A. Masilamani.

... Petitioner

[Petitioner is substituted vide Order of this Court, dated 20.12.2024]

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Personal Assistant to the Collector,
Office of the District Collector,
Virudhunagar District, Virudhunagar.



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3. The Commissioner,
Panchayat Union,
Rajapalayam,
Virudhuangar District.

4. R.Vinayagalakshmi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue of *Writ of Certiorarified Mandamus*, to call for the records pertaining to the impugned order in Na.Ka.No.R3/968/2016, dated 24.04.2017 passed by the 1st respondent, and quash the same and consequently direct the 1st Respondent to appoint the candidate lists from the petitioners school management for the post of Noon Meal organizer in the petitioners school namely Hindu Elementary School, Ayyanapuram, Chatrapatti Post, Rajapalayam Taluk, Virudhunagar District.

For Petitioner : M/s.P.Athimoolapandian

For Respondents : Mr.A.Kannan,
Additional Government Pleader, for R-1 & R-2
R-3 No appearance
M/s.R.Niresh Kumar, for R-4



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ORDER

This Writ Petition is filed for *Writ of Certiorarified Mandamus* to quash the impugned order in Na.Ka.No.R3/968/2016, dated 24.04.2017 passed by the 1st respondent and also seeking consequential direction to the 1st Respondent to appoint the candidate from the lists which the petitioner's school management had submitted for the post of Noon Meal organizer in the petitioner's school namely, Hindu Elementary School, Ayyanapuram, Chatrapatti Post, Rajapalayam Taluk, Virudhunagar District.

2. Heard M/s.P.Athimoolapandian, the Learned Counsel appearing for the petitioner and Mr.A.Kannan, the Learned Additional Government Pleader appearing for the respondents 1 & 2 and M/s.R.Niresh Kumar, the Learned Counsel appearing for the 4th respondent and perused the materials available on record.



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3. The present writ petitioner is a private aided school. A vacancy arose in the year 2009 for the post of Noon Meal Organizer. In an earlier round of litigation, the school appointed one Mr. Chelliah and sought approval for the appointment. Since approval was not granted, Mr. Chelliah was transferred to another school vide proceedings dated 28.08.2009.

4. Meanwhile, G.O.Ms.No.163, dated 18.08.2010, was issued, formulating guidelines for the appointment of Noon Meal Organizers. The said G.O. clearly states that the post shall be filled by the District Collector, who ought to issue a newspaper advertisement, invite applications, select a candidate, and issue the appointment order.

5. In the earlier round of litigation, G.O. Ms. No. 163 was not brought to the notice of this Court. Furthermore, it is seen that the Government issued G.O. Ms. No. 4, dated 06.01.2011. In the said G.O., it was stated that the aided school could not appoint a noon meal organizer since the said post had not



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been sanctioned for the school. The said G.O. was upheld by the Hon'ble Division Bench of this Court by order dated 28.10.2020 in W.A.(MD) Nos. 107 of 2013 and its batch. Therefore, the petitioner/school erred in filling the said post, as it is not a sanctioned post. Hence, these writ petitions are not maintainable.

6. Accordingly, this writ petition stands dismissed. No Costs.
Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes

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2. The Personal Assistant to the Collector,
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3. The Commissioner,
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S.SRIMATHY, J

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Order made in
W.P(MD)No.10676 of 2017

06.03.2025