

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2015

CORAM:

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.15817 of 2012

S.Munusamy

... Petitioner

Vs.

1.State of Tamilnadu,
rep.by Secretary to Govt.,
Labour & Employment Dept.,
Fort St.George, Chennai-9.

2.The District Collector,
Krishnagiri Dist.

3.The District Welfare Officer,
Backward Classes,
Krishnagiri Dist.

4.The District Employment Officer,
Krishnagiri Dist.

5.S.Selvaraj

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the 2nd and 3rd respondents to appoint the petitioner as a cook in a hostel run by the Backward Classes and Most Backward Classes Welfare Department in Krishnagiri District in the place of the 5th respondent.

For petitioner : M/s C.Uma

For respondents : Mr.R.Ravichandran,
Additional Government Pleader
for R1-R4
Mr.M.Ravi for R-5

O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. According to the petitioner, he belongs to the Scheduled Caste Community and that he has passed 8th standard. He had registered his name in the Employment Exchange, Krishnagiri district, on 25.02.1997. The minimum educational qualification required for the post of Cook, in the State Government, is a pass in 8th Standard. The petitioner is a skilled Cook and he has been waiting for many years, for an opportunity to be appointed, as a Cook, in the Government service. While so, the 3rd respondent issued a notification dated 6.7.2011, directing the petitioner to appear for an interview to be held, on 18.7.2011. The petitioner had appeared, in the interview, on 18.7.2011, and had produced all the necessary documents before the 4th respondent. However, the 5th respondent had been selected to be appointed, as a Cook, even though the petitioner had registered his name in the Employment Exchange, Krishnagiri District, prior to the registration of the name of the 5th respondent. It has also been stated that the petitioner is more experienced than the 5th respondent, in cooking.

3. On the contrary, the learned counsel appearing on behalf of respondents 1 to 4 had submitted that the 5th respondent had been selected, based on the interview conducted, on 18.7.2011. Further, the 5th respondent was found to be more experienced than the petitioner, in cooking. In such circumstances, the 5th respondent had been selected to be appointed, as a Cook in the Government Hostel, Krishnagiri District.

4. The learned counsel appearing on behalf of the 5th respondent had submitted that the 5th respondent had been selected, based on the interview conducted, on 18.7.2011, as he had been fully qualified for being appointed, as a Cook. He had further submitted that the services of the 5th respondent had also been regularised.

5. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned and on a perusal of the records available, this Court is of the considered view that the petitioner has not been in a position to show as to how the selection of the 5th respondent is irregular or illegal. Nothing has been shown to substantiate the claim of the petitioner that

the selection of the 5th respondent, as the Cook, is arbitrary in nature. It has also been noted that the services of the 5th respondent had been regularised and that he is working, as a Cook in the Government Hostel, Krishnagiri District.

6. In such circumstances, this Court is of the view that the relief prayed for, in the present Writ Petition, cannot be granted, at this stage. Hence, the Writ Petition stands dismissed. No costs. M.P.Nos.1 and 2 of 2012 are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Govt.,
Labour & Employment Dept.,
Fort St. George, Chennai-9.
- 2.The District Collector,
Krishnagiri Dist.
- 3.The District Welfare Officer,
Backward Classes,
Krishnagiri Dist.
- 4.The District Employment Officer,
Krishnagiri Dist.

+1cc to M/s C.Uma, Advocate, S.R.No.56768
+1cc to Mr.M.Ravi, Advocate, S.R.No.56430

W.P. 15817 of 2012

EV(CO)
CA(20/11/2015)

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