

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-09-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20274 of 2016
And
W.M.P.No.17440 of 2016

V.Bhuvaneswari

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Social Welfare and Nutritious
Meal Programme Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Tiruvannamalai District.
3. Mrs.Velvizhi 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 of the second respondent pertaining to the extract given through Right to Information Act dated 29.02.2016 in Na.Ka.No.10791/2014/Sa.Vu.Thi-1 and quash the same and consequently to direct the second respondent to give the employment to the petitioner and to take suitable action.

For Petitioner : Mr.M.Malar
For RR 1 & 2 : Mr.R.S.Selvam
Government Advocate
For R3 : Mr.V.Kasi Natha Bharathi

O R D E R

The order of appointment made in favour of the third respondent to the post of Noon Meal Organizer in proceedings dated 29.02.2016 is under challenge in this writ petition.

2. The learned counsel appearing on behalf of the writ petitioner submits that pursuant to the Call Letter dated 27.01.2016 for recruitment to the post of Nutritious Food

Organizer in the Nutritious Meal Centre in Melapunjai Panchayat Union Middle School, Tiruvannamalai District. The petitioner participated in the interview before the Selection Committee. However, the writ petitioner was not selected and the third respondent got selected and appointed to the said post. Thus, the writ petitioner is constrained to question the appointment of the third respondent.

3. The writ petitioner states that the Government Orders in relation to the appointment of Nutritious Food Organizer states that there is no Selection Committee for recruitment. However, in the impugned order, it is stated that the third respondent was selected by the Select Committee and appointed. However, the fact remains that both the writ petitioner as well as the third respondent had participated in the interview before the Select Committee.

4. Such being the factum of the case, now the writ petitioner cannot question the appointment of Select Committee for conducting the process of Selection as irregular. The writ petitioner having participated in the interview before the Select Committee, cannot question the process of selection at this stage. This apart, the writ petitioner as well as the third respondent, are land donatees and both the cases along with other candidates were considered by the Select Committee and the Select Committee considered the credentials and other factors and made an assessment and accordingly, awarded the marks. Such a selection procedure adopted by the Select Committee, cannot be questioned on the ground that the Committee ought to have appointed the writ petitioner.

5. The process of selection can be questioned on the grounds of irregularity, illegality in the process of selection or if any malpractices or corrupt activities occurred during the process of selection. In the absence of any of these legal grounds, the process of selection cannot be questioned merely on the ground that the writ petitioner was not selected for recruitment to the post of Nutritious Food Organiser.

6. Excepting these grounds, the writ petitioner is unable to substantiate that the process of selection was illegal or any malpractices took place in the process of selection. Thus, there is no valid legal ground, so as to consider the claim in respect of cancelling the appointment made in favour of the third respondent.

7. The learned Government Advocate, appearing on behalf of the Department, also states that the cases of both the writ petitioner as well as the third respondent were considered on merits and in accordance with law and accordingly, the Selection Committee awarded the marks. Based on the marks awarded by the Selection Committee, the appointment order was issued to the third respondent. Thus,

there was no illegality and the process of recruitment was conducted in accordance with the procedures contemplated under the rules.

8. The learned counsel appearing for the third respondent also states that she is also similarly placed like that of the petitioner and donated the lands for the Panchayat Union. Further, the third respondent also participated in the interview before the Select Committee and based on the performance and other aspects, marks were awarded and she was selected. This being the factum of the case, the writ petition is filed by the writ petitioner out of frustration and due to non-selection.

9. This Court is of the view that in the absence of any valid legal grounds to interfere in the order of appointment and the fact that the writ petitioner had participated in the process of selection and attended the interview, mere participation in the process of selection will not confer any right on the candidate to seek appointment. This being the legal principles, the grounds raised in this writ petitioner deserve no further consideration.

10. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

Svn

To

1.The Secretary,
Government of Tamil Nadu,
Social Welfare and Nutritious
Meal Programme Department,
Fort St. George,
Chennai - 600 009.

2.The District Collector,
Tiruvannamalai District.

+1 cC to Govt. Pleader sr 67955.

+1 CC to Ms.M. Malar, advocate sr 67506.

+1 Cc to Mr.V. Kasinatha Bharathi, Advocate sr 67378.

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