

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Reserved on : 04.08.2017****Pronounced on : 15.12.2017**

WEB COPY

**CORAM :****THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN  
and  
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P. (MD) Nos.12711 and 12663 of 2017  
and  
M.P. (MD) No.9823 of 2017**

M.Vivek ... Petitioner in W.P(MD).No.12711/2017

R.Pandiarajan ... Petitioner in W.P(MD).No.12663/2017

vs.

1. The District Collector, ... R1 in W.P(MD).No.12711/2017 &  
Tiruchirappalli District, Respondent in W.P(MD).No.  
Tiruchirappalli. 12663 of 2017

2. The Commissioner,  
Thuraiyur Panchayat Union,  
Thuraiyur,  
Tiruchirappallai District.

3. The Joint Director/Project Director,  
The District Rural Development Agency,  
O/o.The District Collector,  
Tiruchirappalli. ... RR2 and 3 in  
W.P(MD).No.12711 of 2017

Prayer in W.P.(MD) No.12711 of 2017: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from appointing Noon Meal Organizer and Helper in pursuance of the office Memorandum issued by the 1<sup>st</sup> respondent vide Na.Ka.Pa6/0995/2016 dated 01.06.2017 in any of the schools within the territorial jurisdiction of Thuraiyur Panchayat Union, Tiruchirappalli District and consequently directing the respondents to initiate fresh recruitment process after issuing recruitment notification.

Prayer in W.P.(MD) No.12663 of 2017: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the petitioner's



representation dated 01.07.2017 and consequently follow the procedures of appointment in accordance with law adhering the reservation policies at the time of appointment in the posts of Noon Meal Organizer and Cook in Trichy District, Manapparai Taluk & respective Panchayat Unions.

For Petitioner in  
W.P. (MD) .No.12711/2017: Mr.D.Shanmugaraja Sethupathi

For Petitioner in  
W.P. (MD) .No.12663/2017: Mr.V.Malayendran for  
Mr.N.Anandakumar

For Respondents : Mr.T.S.Md.Mohideen for R1  
Mr.V.Muruganantham for RR2&3

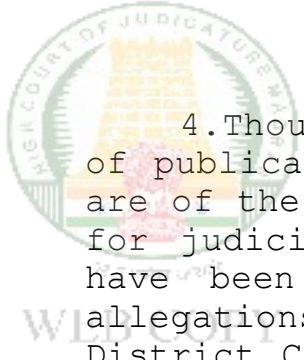
**COMMON ORDER**

**(Order of the Court was made by G.R.SWAMINATHAN, J.)**

Both these writ petitions challenge the move of the District Administration to fill up the vacancies in the post of Noon Meal Organizer and Cook in Tiruchirappalli District. Both the writ petitioners claim to have filed their petitions in public interest.

2.The primary contention raised by the learned Counsel appearing in the writ petitioners is that there has been no proper publication and advertisement of the vacancies. The selection process appears to be secretive and arbitrary. The authorities ought to follow due procedure for filling up vacancies in public employment. But in the instant cases, the district administration has violated the settled norms and is acting at the behest of the political masters.

3.The District Collector, Tiruchirappalli has filed his counter-affidavit denying the allegations. The Administration caused publication of the proposed recruitment process for the post of noon-meal organizer and cook as a news item in all leading news papers. There was nothing secretive about the selection. Hundreds of applications were received in response to the news item. They were duly processed. Call letters were sent. Interviews were conducted. When the selection process was about to be concluded, the writ petitions had been filed at the last moment. Even though the news items were published in papers like Dina Malar and Dina Mani as well as departmentally as early as on 24.4.2017, the writ petitions came to be filed only in July. The counter-affidavit asserts that appointments will be made purely on merit without leaving room for political intervention.



4. Though this court has some reservations regarding the manner of publication inviting applications from eligible candidates, we are of the view that the writ petitioners have not made out a case for judicial intervention. Even though allegations of mala fide have been made, none has been impleaded in person. All the allegations made by the writ petitioners have been denied by the District Collector, Tiruchirappalli. We have to necessarily take note of the fact that as many as 139 vacancies in the post of Noon-meal organizers and 600 vacancies in the post of Noon-meal cook assistants are to be filled up. The selection process commenced in the last week of April, 2017. But the challenge to the process on the ground of inadequate publication is made only in July 2017. In the mean while a number of steps have already been taken. Hundreds of applications were received and processed. Call letters were sent and interviews held. It is also to be noted that no aggrieved candidate is before the Court. Therefore, it would be appropriate to leave it to the individually aggrieved candidates to mount a challenge. We find no merit in these writ petitions.

5. Both the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,  
Tiruchirappalli District, Tiruchirappalli.
2. The Commissioner,  
Thuraiyur Panchayat Union,  
Thuraiyur, Tiruchirappalli District.
3. The Joint Director/Project Director,  
The District Rural Development Agency,  
O/o. The District Collector, Tiruchirappalli.

+ 1 cc TO The Special Government Pleader in SR No. 93195

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**Order made in**  
**W.P. (MD) No. 12711 and 12663 of 2017**  
**and**  
**M.P. (MD) No. 9823 of 2017**  
**15.12.2017**