

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 17.07.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.33399 of 2017
& WMP.No.36880 of 2017

P.Chithra

..Petitioner

Versus

1. The District Collector,
Dharmapuri District,
Dharmapuri.
- 2.The District Integrated Child
Development Officer,
Dharmapuri Integrated Child
Development Office,
Dharmapuri.
- 3.The Block Development Officer,
Harur Panchayat Union,
Harur- 636 903,
Dharmapuri District.
4. Malar,
Neruppandakuppam,
H.Agraharam Village and Post,
Harur Taluk,
Dharmapuri District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of declaration, declaring the appointment made by the first respondent by his proceedings dated Na.Ka.No.1521/2016/X dated 13.11.2017 in so far as the selection and appointment of the fourth respondent is concerned, as the Assistant Noon Meal Organizer in Panchayat Union Primary School, Agraharam, Dharmapuri District as illegal, malafide, null and void and consequently direct the first respondent to appoint the petitioner as Assistant Noon Meal Organizer in Panchayat Union Primary School, Agraharam, Dharmapuri District.

For Petitioner : Mr.K.K.N.Ganeshan

For R1&2 : Mr.V.Kadhirvelu, Spl.G.P.

For R3 : Mr.T.Jayaramaraj, St.counsel

For R4 : No Appearance

ORDER

Heard Mr. Mr.K.K.N.Ganeshan, learned counsel for the petitioner and Mr.V.Kadhirvelu, learned Special Government Pleader for the respondents 1 & 2 and Mr.T.Jayarama Raj, learned Standing counsel for the third respondent. By consent, the writ petition is taken up for final disposal.

2. The grievance of the petitioner in this writ petition is that in the process of selection to the post of Assistant Noon Meal Organizer, manipulation was done and she was denied of employment, and as such she has made a prayer to quash the appointment of the fourth respondent and appoint her in her place as she possess requisite qualification for the aforesaid post.

3. However, in the counter affidavit filed by the third respondent has justified the appointment of the fourth respondent on the ground that she is more meritorious than others.

4. During the course of hearing, as it was brought to the notice of this Court that manipulation was made after interview was over with regard to award of marks and even if the petitioner has secured highest marks, she was not selected but the fourth respondent was selected by manipulating the marks awarded, this Court called for the original file.

5. During the course of hearing, counsel appearing for the petitioner would submit that so far award of marks with regard to the ninth column that is knowledge on noon meal is concerned, no one was awarded any mark initially and in this way the petitioner has secured highest mark but subsequently awarding marks to the respondent No.4 she was selected as a more meritorious candidate, the same is visible from the proceeding of the interview board and as such, it is submitted by him to quash the appointment of fourth respondent and direct the petitioner's appointment being the most meritorious candidate.

6.However, counsel appearing for the respondents have made objection to the same indicating the fact that the same is without any substance.

7.In such premises, this Court verified the file including the original sheet signed by the selection committee members with regard to the marks awarded. On a perusal of the same, it appears to the naked eye that no marks was awarded on column No.9 to any of the candidates participated as a dash symbol was given on the said column of all the participated candidates. However, later on ten marks was awarded to the fourth respondent over such dash symbol and the fourth respondent in this way was stated to have secured a 47 marks, and the petitioner had secured 38 marks. Therefore, this Court is of the view that such mark on knowledge of noonmeal, which was not awarded to any of the candidates was given to the fourth respondent just to favour her after the selection process. The same can also be visualised from the fact that there was over writing of the total marks of the fourth respondent from 37 to 47 in the file. So award of marks on noon meal knowledge was an after thought. The same was given with the sole purpose to select her by manipulating the procedure of selection. Hence, there being no transparency in the selection process, this Court is of the view that the process of selection was vitiated accordingly, in such premises unable to sustain the selection made of the fourth respondent.

8. Therefore, the writ petition is allowed with an order of quashment of selection process and consequentially the selection of the fourth respondent as a Assistant Noonmeal Organiser and with a direction to the first respondent to take necessary steps by giving such directions to the appropriate respondent for selection from among the eligible candidates, who had applied including the petitioner and the fourth respondent in accordance with law within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

dn/lok

To

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2.The District Integrated Child
Development Officer,
Dharmapuri Integrated Child
Development Office,
Dharmapuri.

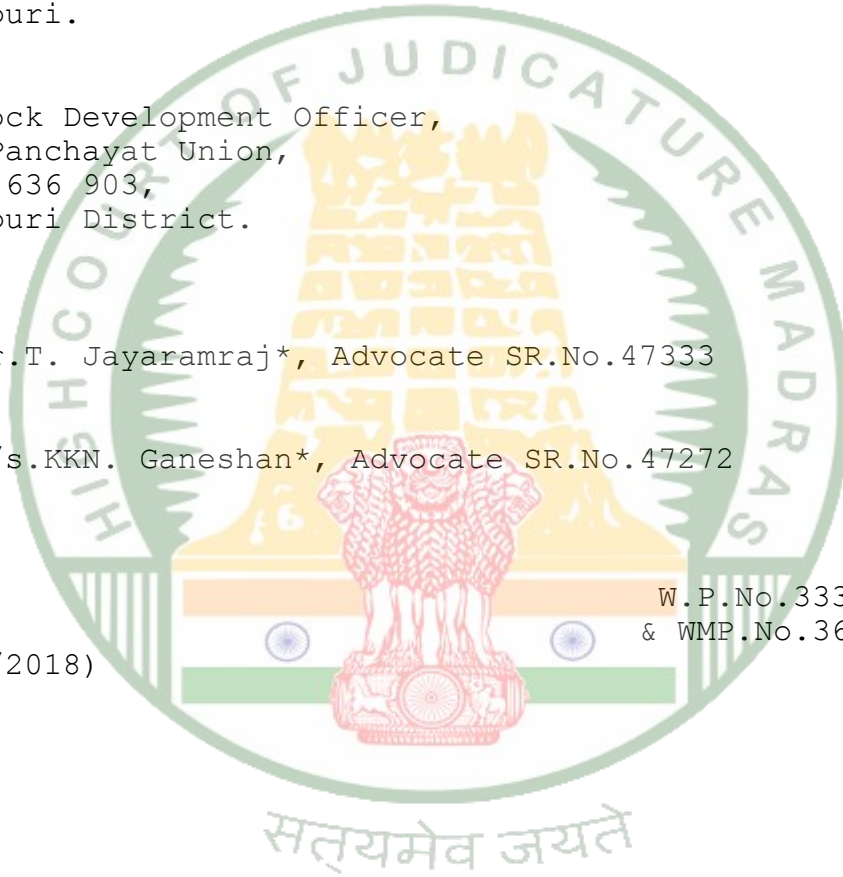
3. The Block Development Officer,
Harur Panchayat Union,
Harur- 636 903,
Dharmapuri District.

+1cc to Mr.T. Jayaramraj*, Advocate SR.No.47333

+1cc to M/s.KKN. Ganeshan*, Advocate SR.No.47272

GMV (06/09/2018)

W.P.No.33399 of 2017
& WMP.No.36880 of 2017



WEB COPY