

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.03.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN  
AND  
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.736 of 2013

A.Jothi Ramalingam

... Appellant

-Vs-

1.The District Educational Officer  
Udayarpalayam, Udayarpalayam Taluk,  
Ariyalur District.

2.C.Karthikeyan

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P No.31017 of 2012 dated 19.02.2013.

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus, directing the 1st respondent to include the petitioner name in the Select List for the post of Watchman published on Official Website of the Government on 9.11.2012 and consequently direct the 1<sup>st</sup> respondent to appoint the petitioner as watchman with all consequential benefits.

For Appellant : Mr.M.Gnanasekar

For R1 : Mr.K.Karthikeyan, Govt. Advocate (Edn)

For R2 : No appearance

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J U D G M E N T

[Judgment of the Court was delivered by  
K.K. SASIDHARAN, J.]

The non-selection of the appellant as Watchman pursuant to the notification issued by the District Educational Officer, Udayarpalayam, was challenged before the Writ Court. The learned single Judge having found that the appointment was made by the

first respondent after following a transparent process, dismissed the writ petition. The order is under challenge at the instance of the appellant.

2. When this matter came up on an earlier occasion, we have directed the first respondent to produce the selection file.

3. We have perused the selection file produced by the first respondent. We found that though call letter was given only for certificate verification, interview was conducted by the first respondent. There was no guideline framed by the first respondent for giving marks. The marks were given at the discretion of the interviewing authority, without any Bench Mark. We therefore directed the District Educational Officer, Udayapalayam, to show cause as to why selection should not be cancelled.

4. The District Educational Officer submitted that the appellant is presently working as a Multi Purpose Hospital Worker in the Government Hospital at Jayankondam and as such, there is no need to set aside the selection. We therefore directed the learned Government Advocate to produce documents evidencing the employment by the appellant.

5. The documents produced by the first respondent through the learned Government Advocate indicates that the appellant is presently working as a Multi Purpose Hospital Worker in the Government Hospital at Jayankondam. The appointment was made on 24 September 2013.

6. The learned Government Advocate by placing reliance on the Government Order in G.O.(Ms).No.325 Health and Family Welfare (F2) Department, dated 20 November 2012, submitted that after completing five years of service, the services of the appellant would be regularised.

7. We have also perused the Government Order in G.O.Ms.No.325, dated 20 November 2012. The Government made it clear that the services of persons who have worked as Multi Purpose Hospital Worker for five years on contract basis would be regularised. The submission made by the learned Government Advocate after taking instructions from the concerned department is taken on record.

8. Though the appellant has substantiated his contention that a transparent procedure was not adopted by the first respondent for selecting candidates for the post of Watchman, still, we are not interfering with the selection process on account of the subsequent events relating to employment of the appellant. Since the appellant is entitled to the benefits of

the Government Order in G.O.Ms.No.325, his services would be regularised on completing five years of service. In view of the appointment order given to the appellant and his functioning as a Multi Purpose Hospital Worker in the Government Hospital at Jayankondam and in view of the Government Order directing regularization of those who have completed five years of service, we are of the view that there is no need to set aside the selection in question, which was challenged in W.P.No.31017 of 2012.

9. The intra court appeal is disposed of with the above observation. No costs.

Sd/-  
Assistant Registrar(Audit)

//True copy//

Sub Assistant Registrar

svki

To

The District Educational Officer  
Udayarpalayam  
Udayarpalayam Taluk, Ariyalur District.

+1cc to Mr.M.Gnanasekar, Advocate SR.No.21062  
+1cc to Government Pleader SR.No.20913

W.A No.736 of 2013

SSI (CO)  
GN(06/04/2018)

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