



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.6038 of 2011

and

M.P. (MD) Nos.1 and 2 of 2011

S.Janaki

.. Petitioner

-vs-

1.The District Collector,
Trichy Collector Office,
Near Raja Colony,
Trichy.

2.The Commissioner,
Mannachannalur Panchayat Union,
Mannachannalur,
Trichy District.

3.The Headmaster,
Thirupanchely Government High School,
Thirupanchely,
Mannachannalur- Taluk,
Trichy District.

4.Parvathy

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records, entire file pertaining to the impugned order passed by the first respondent in Na.Ka.Pa.6/870/09, dated 26.02.2011 and quash the same as illegal and direct the first and second respondents to appoint the petitioner as organiser in the Nutritious Meal Scheme post in the third respondent school.

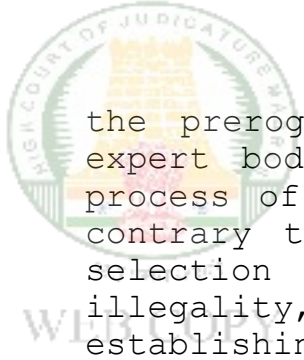
For Petitioner	: Mr.S.Krishnamoorthy
For R1 and R2	: Ms.V.P.M.Vaishnavi Government Advocate
For R3	: Mr.V.Muruganantham
For R4	: Mr.A.John Vincent

**ORDER**

The order impugned dated 26.02.2011 is the order of appointment issued in favour of the fourth respondent. The said order is sought to be quashed by the writ petitioner. The learned counsel appearing for the writ petitioner states that the writ petitioner had participated in the process of selection of appointment in the post of Organiser in the Noon Meal Scheme. The name of the writ petitioner had been sponsored by the employment exchange and accordingly, she had participated in the interview. The grievance of the writ petitioner is that she is more meritorious than the fourth respondent and she is residing within the prescribed area of residence and therefore, the petitioner ought to have been selected and appointed to the said post. The learned counsel for the petitioner states that the fourth respondent was erroneously appointed contrary to the Government Orders in force. Thus, the order of appointment issued in favour of the fourth respondent is to be scrapped.

2. The learned Government Advocate appearing on behalf of the respondents 1 and 2 made a submission that the writ petitioner was one amongst the candidates participated in the process of interview and not selected by the interview committee. In support of the contention, the learned Government Advocate by referring the counter affidavit filed by the second respondent has stated that the writ petitioner attended the interview on 15.04.2010 and produced all the certificates for verification and found correct that she was the only candidate attended the interview with relevant qualification. The statement itself is wrong in view of the fact that the petitioner had not produced the Ration card, which was the proof of the residence and family members. In fact, 30 candidates were called for to attend the interview on 15.04.2010, among 107 candidates, 77 candidates were rejected at pre-interview stage on the basis of applications. The petitioner hence could not say without the knowledge of other candidates' qualification that she was the only candidate, who attended the interview with relevant qualification. The fourth respondent possesses all the required qualifications for the said post and attended interview with all required certificates and documents. The fourth respondent was the Senior Candidate appeared for the interview and successfully passed in the interview. Thus the statement of the petitioner that she was the only candidate attended the interview with relevant qualification is certainly incorrect. The interview was conducted in accordance with the procedure and out of 30 candidates, the fourth respondent was selected and appointed. This being the factum of the case, the writ petitioner has come out with the incorrect statement.

3. This Court is of the opinion that the appointment can never be claimed as a matter of right. Mere participation in the process of selection or in the interview cannot be a ground for the candidate to seek appointment. Merit assessment of a candidate is



the prerogative of the Interview Committee. Courts being not an expert body to assess the relevant merit of the candidates. The process of selection can be challenged, if the same was conducted contrary to the Rules in force. A Writ against the process of selection can be entertained, if there is any irregularity or illegality, mal practices or corrupt practices. In the event of establishing and substantiating any such allegation in the process of selection, then only writ against the process of selection can be entertained. In normal circumstances, it is not for the Court to verify the relevant merits of the candidates and to interfere with the selection process. It is the prerogative of the Administrative Authorities to assess the merits and demerits in accordance with the Rules and the established principles, while conducting the process of selection. Courts being not an expert body cannot enter into the arena of scrutinising the merits and demerits of the candidates. No doubt in certain circumstances, the exercise may be necessary, when there are certain indifferences noticed, which would be in contradiction with the Rules in force. In normal circumstances, the Courts would not interfere with the process of selection, if it is otherwise in accordance with the established procedures. It is being the legal principles to be followed in the process of selection, this Court is not inclined to consider the case of the writ petitioner.

4. This apart the fourth respondent was appointed only on temporary basis and she is continuing for the past about seven years and there is no permanent absorption or regularization of the services of the fourth respondent. Even regularization or permanent absorption cannot be provided, contrary to the Recruitment Rules in force. This being the concept in respect of the regularization or permanent absorption this Court is of the opinion that no further adjudication needs to be taken in this writ petition.

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

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Trichy Collector Office,
Near Raja Colony,
Trichy.



2. The Commissioner,
Mannachannalur Panchayat Union,
Mannachannalur,
Trichy District.

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+ 1 CC TO Mr.A.JOHN VINCENT, ADVOCATE IN SR No. 41267
+ 1 CC TO Mr.S.KRISHNAMOORTHY, ADVOCATE IN SR No. 41083
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 41532

PJL

TE/SV-MMS/SAR-4 : 15/02/2018 : P/C

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