

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.20083 of 2018
and
WMP.No. 23550 of 2018

Soundaravalli

...Petitioner

Vs

1. The District Collector,
Cuddalore District, Cuddalore-1.
2. The Commissioner-cum-Block
Development Officer,
Virudhachalam Panchayat Union,
Virudhachalam Town and Taluk,
Cuddalore District - 606 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Certiorarifid Mandamus, to call for the records in relating to the 2nd respondent notification proceeding in Na.Ka.No.A4/485/2018 dated 28.03.2018 and consequentially call for Notification Proceeding of the 1st respondent in Na.Ka.No.PD1/298/2016 dated 09.07.2018 and quash the same and direct the 1st respondent to consider the petitioner's application dated 08.02.2017 and appoint the petitioner as a Noon Meal Organizer at Adi-Dravida Welfare Primary School, Edachitur Village, Virudhachalam Taluk, Cuddalore District.

For Petitioner : Mr.G.Anabayachozhan

For Respondents : Mr.A.N.Thambidurai
Spl.Govt. Pleader for R1
Mrs.Thangavadhana Balakrishnan
Addl.Govt. Pleader for R2

O R D E R

The learned Additional Government Pleader appearing on behalf of the respondent brought to the notice of this Court that, the recruitment notification and the selection process in which the writ petitioner had attended was cancelled and the Competent Authority have taken a decision to issue a fresh recruitment notification for selection to the post of Noon Meal Organizer.

2. Mere participation in the process of selection would not confer any right on the candidate to seek an order of appointment. It is the administrative prerogative of the Authorities to cancel the process of selection on certain administrative grounds. In the present case, the process of selection had already been cancelled and the persons who had already applied is also permitted to participate in the ensuing selection process.

3. The details in this regard are enumerated in paragraph Nos.9 and 10 of the counter affidavit, which are extracted hereunder:-

"9. As regards the averments in para 9 and 10 of the affidavit, it is submitted that for 400 Noon Meal Organisers posts, 10827 applications were received. 10055 attended the interview. Out of those 10055, 5431 applications were found ineligible, which is 54% of the total applications received. It is submitted that most of the applicants have failed to understand the communal rotations, priority and non-priority status given to the 400 Noon Meal vacancies and also failed to understand the 3 Km distance criteria due to lack of awareness on the notification published. In the above circumstances, the requests of most of the ineligible candidates were examined and found to be genuine in nature. In view of their living in the remote villages and lack of awareness, they failed to take note of the communal rotation and submitted an incorrect application and became ineligible for further process. Thereby 54% of the candidates who have applied lost their opportunity to be included in the further selection process. In the above circumstances, in order to provide opportunities to the ineligible candidates, who had applied on the date of notification or who have attended interview on 23 & 24.02.2017, the process of recruitment to the 400 vacancies initiated by the District Administration had to be cancelled and the Administration had to go for initiating fresh process by only permitting the candidates who have already applied to the correct centre. This would facilitate

to a smooth process of recruitment including maximum number of candidates by accepting their requests in this regard. As such, the District Administration prepared suitable revised application form. with the details of communal rotation, priority allotted to the centres and instructions to fill the application were given to all the candidates. It is further submitted that the Noon meal organiser post of Adi Dravida Welfare Primary School at Edachitur had not been filled till date.

10. As regards the averments in grounds of the affidavit, it is submitted calling for the applications afresh to the post of Noon Meal Organiser in natural justice. It is neither illegal nor against the rule of law. It is submitted that most of the applicants have failed to understand the communal rotations, priority and non-priority status given to the 400 Noon meal vacancies and also failed to understand the 3 km distance criteria due to lack of awareness on the notification published. In the above circumstances, in order to provide opportunities to the ineligible candidates, who had applied on the date of notification or who have attended interview on 23 & 24.02.2017, the process of recruitment to the 400 vacancies initiated by this District Administration had to be cancelled and the candidates who have already applied to the correct centre. It is only an arrangement made by the District Administration to facilitate a smooth process of recruitment including maximum number of candidates by accepting their requests in this regard."

4. In view of the said statement made in the counter affidavit, the relief as such sought for in the present writ petition cannot be granted. Accordingly, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

1. The District Collector,
Cuddalore District, Cuddalore.

2. The Commissioner-cum-Block
Development Officer,
Virudhachalam Panchayat Union,
Virudhachalam Town and Taluk,
Cuddalore Disttict - 606 001.

+1cc to Mr.G.Anabayaa Chozhan, Advocate SR.No.22128

+1cc to Government Pleader SR.No.21517

W.P.No.20083 of 2018

VD(CO)
GMY(04/04/2019)



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