

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.02.2019

CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.3756 of 2018
and
WMP.No.4585 of 2018

C.Johnson

...Petitioner

Vs

1.The Commissioner,
Commissionerate for the Welfare
of the Differently Abled,
Lady Wilington College campus, Light House (opp),
Chennai-5.

2.The District Collector,
Coimbatore-641 018.

3.The District Officer for Differently Abled,
Collectorate, Coimbatore-641 018.

4.The Head Master,
Government Blind School,
Uliyampalayam, Thondamuthur,
Coimbatore-641 109.

....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 Mandamus, directing the respondents to pass appropriate orders of appointment to the post of cook in the welfare school of the 4th respondent, Coimbatore District based on the selection conducted as per advertisement through Malaimalar newspaper dated 19.11.2016 in the B.C.category.

For Petitioner : Mr.P.Ganesan
For Respondents 1 - 4 : Mr.R.S.Selvam
Government Advocate

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to pass appropriate orders of appointment to the post of cook in the welfare school of the 4th respondent, Coimbatore District based on the selection conducted as per advertisement through Malaimalar newspaper dated 19.11.2016 in the B.C.category.

2. The learned counsel for the writ petitioner states that the writ petitioner is the only eligible candidate who was selected by the Competent Authorities for the appointment to the post of Cook for the Government Blind School. In view of the fact that the writ petitioner alone was the qualified candidate and got selected, the writ petitioner is constrained to move the present writ petition seeking for the direction to issue an order of appointment.

3. The learned Government Advocate appearing on behalf of the respondents relying on the counter affidavit filed by the respondent states that, in view of the fact that only one person who was eligible to participate in the selection purpose, thought fit that a fresh selection to be conducted by cancelling the earlier recruitment process. Cancellation of the selection process is the administrative prerogative of the Competent Authorities, the candidate who participated for the selection cannot question the administrative decision taken by the Authorities for cancelling the selection process.

4. Filling up of the posts, conducting a process of selection and cancellation the same are the administrative prerogative of the Competent Authorities and the writ petitioner being a candidate and participated in the selection process cannot have any legal right to question the decision taken by the administration level.

5. The counter also states that a fresh recruitment notification will be issued shortly by the District Collector for the three vacant posts of Ayah and one post of Cook for the said Blind School which is still vacant. In view of the administrative decision taken by the Authorities to go for the fresh recruitment notification, this Court is of an opinion that the writ petitioner is also eligible to submit his application and participate in the fresh process of selection to be conducted if he is otherwise qualified and eligible.

6. With these observations, the writ petition stands disposed of. No Costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Pkn

To

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Coimbatore-641 109.

+1cc to Mr.P.Ganesan, Advocate, S.R.No.10711
+1cc to the Government Pleader, S.R.No.11366

W.P.No.3756 of 2018

SR(CO)

rrs 19/03/2019



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