

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.20812 to 20817 of 2018

and

WMP.Nos.24422 to 24426, 24433,24427 to 24432 of 2018

1 S.LATHA ... PETITIONER in WP No.20812 of 2018
1 THANGAMMAL ... PETITIONER in WP No.20813 of 2018
1 G.MALARSELVI ... PETITIONER in WP No.20814 of 2018
1 R.SANGEETHA ... PETITIONER in WP No.20815 of 2018
1 S.SATHIYA ... PETITIONER in WP No.20816 of 2018
1 G.GOWRY ... PETITIONER in WP No.20817 of 2018

Vs

1. THE SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMIL NADU,
SOCIAL WELFARE AND NUTRITIOUS MEAL PROGRAMME DEPARTMENT,
FORT ST.GEORGE, CHENNAI - 600 009.
2. THE DISTRICT COLLECTOR,
CUDDALORE DISTRICT, CUDDALORE.
3. THE BLOCK DEVELOPMENT OFFICER,
KURINJIPADI PANCHAYAT UNION,
KURINJIPADI TALUK,
CUDDALORE DISTRICT.
4. SECRETARY,
GOVERNMENT AIDED PRIMARY SCHOOL,
THERKUMELLUR (IRUPPU) THENKUTHU,
KURUNJUPADI TALUK,
CUDDALORE DISTRICT.

...RESPONDENTS IN WP.NO. 20812 OF 2018

1 THE SECRETARY TO GOVERNMENT
SOCIAL WELFARE & NUTRITIOUS MEAL PROGRAMME
DEPARTMENT GOVT.OF TAMILNADU ST.GEORGE FORT
CHENNAI-600 009

2 THE DISTRICT COLLECTOR
CUDDALORE DISTRICT CUDDALORE

3 THE BLOCK DEVELOPMENT
OFFICER KURINCHIPADI PANCHAYAT UNION
KURINJIPADI TALUK CUDDALORE DISTRICT

4 SECRETARY VELLALAR AIDED
ELEMENTARY SCHOOL POTTAVELI KURINJIPADI
PANCHAYAT UNION KURINJIPADI TALUK 607 302
CUDDALORE DISTRICT

... RESPONDENT in WP No.20813 of 2018

1 THE SECRETARY TO GOVERNMENT
SOCIAL WELFARE & NUTRITIOUS MEAL PROGRAMME
DEPARTMENT GOVT.OF TAMILNADU ST.GEORGE FORT
CHENNAI-600 009

2 THE DISTRICT COLLECTOR
CUDDALORE DISTRICT CUDDALORE

3 THE BLOCK DEVELOPMENT OFFICER
KEERAPALAYAM PANCHAYAT UNION,
KEERAPALAYAM, CHIDAMBARAM TALUK,
CUDDALORE DISTRICT.

4 SECRETARY ANNAI VELANKANNI
AIDED MIDDLE SCHOOL ENNANAGARAM VILLAGE AND
POST KEERAPALAYAM UNION CHIDAMBARAM
TALUKCUDDALORE DISTRICT

... RESPONDENT in WP No.20814 of 2018

1 THE SECRETARY TO GOVERNMENT
SOCIAL WELFARE & NUTRITIOUS MEAL PROGRAMME
DEPARTMENT GOVT.OF TAMILNADU ST.GEORGE FORT
CHENNAI-600 009

2 THE DISTRICT COLLECTOR
CUDDALORE DISTRICT CUDDALORE

3 THE BLOCK DEVELOPMENT OFFICER,
KEERAPALAYAM PANCHAYAT UNION,
KEERAPALAYAM, CHIDAMBARAM TALUK.

4 SECRETARY GOVERNMENT AIDED
PRIMARY SCHOOL VAKKUR VILLAGE AND POST
CHIDAMBARAM TALUK CUDDALORE DISTRICT-608 201
... RESPONDENT in WP No.20815 of 2018

1 THE SECRETARY TO GOVERNMENT
SOCIAL WELFARE & NUTRITIOUS MEAL PROGRAMME
DEPARTMENT GOVT.OF TAMILNADU ST.GEORGE FORT
CHENNAI-600 009

2 THE DISTRICT COLLECTOR
CUDDALORE DISTRICT CUDDALORE

3 THE BLOCK DEVELOPMENT OFFICER
KEERAPALAYAM PANCHAYAT UNION,
KEERAPALAYAM, CHIDAMBARAM TALUK,
CUDDALORE DISTRICT.

4 SECRETARY GOVERNMENT AIDED
PRIMARY SCHOOL
THERUKUMELLUR (IRRUPU) THENKUTHUR KURUNJUPADI
TALUK CUDDALORE DISTRICT

... RESPONDENT in WP No.20816 of 2018

1 THE SECRETARY TO GOVERNMENT
SOCIAL WELFARE & NUTRITIOUS MEAL PROGRAMME
DEPARTMENT GOVT.OF TAMILNADU ST.GEORGE FORT
CHENNAI-600 009

2 THE DISTRICT COLLECTOR
CUDDALORE DISTRICT CUDDALORE

3 THE BLOCK DEVELOPMENT OFFICER
KURINCHIPADI PANCHAYAT UNION
KURINJIPADI TALUK CUDDALORE DISTRICT

4 SECRETARY
VALLALAR AIDED ELEMENTARY SCHOOL
POTTAVELI KURUNJUPADI TALUK
CUDDALORE DISTRICT 607 302

... RESPONDENT in WP No.20817 of 2018

WP No.20812 of 2018: Writ Petition filed under Article 226 of
the Constitution of India praying to issue a writ of
certiorarified mandamus Calling for the records of the 3rd

respondent Ref:Na.Ka.No.PD1/298/2016 dated 09.07.2018 and quash the same, consequently, direct the respondents 2 and 3 to appoint the petitioner for the post of Noon Meal Organizer for the 4th respondent School as per the Interview conducted on 24.02.2017

WP No.20813 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus Calling for the records of the 2nd respondent Ref:Na.Ka.No.PD1/298/2016 dated 09.07.2018 and quash the same, consequently, direct the respondents 2 and 3 to appoint the petitioner for the post of Noon Meal Organizer for the 4th respondent School as per the Interview conducted on 23.02.2017

WP No.20814 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus Calling for the records of the 2nd respondent Ref:Na.Ka.No.PD1/298/2016 dated 09.07.2018 and quash the same, consequently, direct the respondents 2 and 3 to appoint the petitioner for the post of Noon Meal Organizer for the 4th respondent School as per the Interview conducted on 24.02.2017

WP No.20815 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus Calling for the records of the 2nd respondent Ref:Na.Ka.No.PD1/298/2016 dated 09.07.2018 and quash the same, consequently, direct the respondents 2 and 3 to appoint the petitioner for the post of Noon Meal Organizer for the 4th respondent School as per the Interview conducted on 24.02.2017

WP No.20816 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus Calling for the records of the 2nd respondent Ref:Na.Ka.No.PD1/298/2016 dated 09.07.2018 and quash the same, consequently, direct the respondents 2 and 3 to appoint the petitioner for the post of Assistant Cook for the 4th respondent School as per the Interview conducted on 27.02.2017

WP No.20817 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus Calling for the records of the 2nd respondent Ref:Na.Ka.No.PD1/298/2016 dated 09.07.2018 and quash the same, consequently, direct the respondents 2 and 3 to appoint the petitioner for the post of Noon Meal Organizer for the 4th respondent School as per the Interview conducted on 27.02.2017.

For Petitioner in all WPs : Mr.N.Selvaraju

For Respondents : Mr.R.S.Selvam,
Govt.Advocate
for R1 & R2 in all WPs

Mr.P.Chandrasekar for R4
in all WPs

Mrs.R.Janaki for R3 in
WP. 20812/18

Mr.S.Suresh Kumar for R3 in
WP.no. 20813/2018

Mr.I.Sathish for R3 in
WP.No. 20814/2018

Mr.K.S.Suresh for R3 in
WP.No. 20815 of 2018

Mr.K.Ravikumar for R3 in
WP.No. 20816 of 2018

Mr.E.Neelakandan, for R3 in
WP.No. 20817 of 2018

COMMON ORDER

The recruitment notification dated 09.07.2018, for appointment to the posts of Noon Meal Organizer and Assistant Cook is under challenge in these batch of writ petitions.

2. All the petitioners are fully eligible and qualified for appointment to the posts of Noon Meal Organizers and Assistant Cook. The grievances of the writ petitioners are that, the notification was issued for recruitment to the post of Noon Meal Organizer at the first instance, and all the writ petitioners had submitted their respective applications and participated in the process of selection by attending the interview. After attending the interview, the entire selection was cancelled by the respondents without considering the case of the writ petitioners for issuance of the appointment order. Second time also the petitioners had appeared in the interview and no appointments are made. The present notification is issued once again calling applications from the qualified candidates for recruitment to the post of Noon Meal Organizer and Assistant

Cook, through the impugned notification dated 09.07.2018.

3. The learned counsel appearing on behalf of the writ petitioner states that, the process of interview had already been concluded and all necessary actions were taken to issue the order of appointment. Under those circumstances, the respondents issued the impugned notification, once again calling application from the original candidates for appointment to the posts of Noon Meal Organizer and Assistant Cook. Thus, the writ petitioners are constrained to file these batch of writ petitions.

4. The learned counsel for the writ petitioner states that, all the writ petitioners are to be appointed to the posts of Noon Meal Organizer and Assistant Cook, based on the interview already conducted and therefore, the fresh notification issued is liable to be scrapped.

5. The learned Government Advocate appearing on behalf of the respondent states that, a paper advertisement dated 31.01.2017, was issued in the vernacular newspaper to fill up the post of Noon Meal Organizer and Assistant Cook. Applications were invited from the eligible candidates as per the norms prescribed in G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department dated 18.08.2010. All the writ petitioners had applied for the post of Noon Meal Organizer and Assistant Cook in the respondent Schools and based on the applications and eligibility, writ petitioners were called for the interview on 24.02.2017. Certificate verifications were also done.

6. However, clear instructions have been issued in G.O.Ms.No.4, Social Welfare and Nutritious Programme Department dated 06.01.2011, regarding the procedures to be followed in the appointment of Noon Meal Organizers and Assistant Cook in Government aided Schools both minority and non-minority institutions. The Government order which is clearly elucidated that District Collector is the appointing Authority for Noon Meal Organizers and Assistant Cook posts.

7. Applications were received till February 2017, were scrutinized on 25.02.2017 and no modalities were evolved to short-list the eligible candidate for selection. In the course of time, modalities were evolved for official respondents to ensure meritorious selection of the candidates for Noon Meal Organizer and Assistant Cook posts. Thus, on 28.03.2018, a call letter was sent to the applicants to appear for interview on 03.04.2018. The steps involved in the selection process and mere attending of the interview would not guarantee appointment. Meanwhile, the District Administration had to cancel the earlier notification dated 25.01.2017, for not mentioning the community

rotation as in much as 55 Noon Meal Organizers posts in Government aided school, non-minority institutions are concerned.

8. The instructions contained in G.O.Ms.No.4, dated 06.01.2011, regarding the procedures to be followed in the appointment of Noon Meal Organizers and Assistant Cook in Government aided Schools which has been clearly pointed out that, community rotations has to be followed for Noon Meal Organizer and Assistant Cook posts in Government aided schools, non-minority institutions. In view of the fact that, such community rotations are not mentioned in the earlier notification. The respondents had taken a decision to cancel the earlier notification and to issue a fresh notification duly mentioning the community rotation and other eligible criteria in the present impugned notification dated 09.07.2018.

9. Thus, there is no irregularity in respect of the impugned notification and the writ petitioners are at liberty to submit their applications in response to the impugned notification, if they are fully eligible and qualified as per the terms and conditions stipulated.

10. Mere participation in the process of selection would not confer any right on the candidates to seek appointment. Undoubtedly, the writ petitioners had participated in the process of interview. However, the respondents/Competent Authorities had taken a decision to cancel the notification on account of the fact that, the community rotation had not been mentioned in the earlier notification. The respondents are bound to follow the community rotation as per the Government policy. In the event of appointing candidates without following the community rotation, then such appointments will be in valid.

11. Under these circumstances, the non mentioning of the community rotation in the earlier notification was identified and suitable actions were taken by cancelling the earlier notification. In this regard, the rights of the writ petitioners are not infringed. The writ petitioners are eligible to participate in the present selection also, pursuant to the notification now issued, which is impugned in the present writ petition. This apart, the only grievance of the writ petitioners are that, they have participated in the interview and therefore, they should be appointed in the post. Mere participation in the interview will not be a ground for claiming appointment. The Authorities Competent found the irregularity occurred in the earlier notification and accordingly, cancelled the notification and issued the fresh notification, inviting applications from all the eligible candidates.

12. This being the factum, the writ petitioners cannot seek appointment based on the fact that, they attended the interview. The entire process of selection was cancelled and a fresh notification was issued fulfilling the conditions stipulated in the Government orders for appointment to the post of Noon Meal Organizer/Assistant Cook. In this view of the matter, the writ petitioners has not establish any legal right so as to grant the relief as such sought for in the present writ petitions. Accordingly, the writ petitions stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Pkn

To

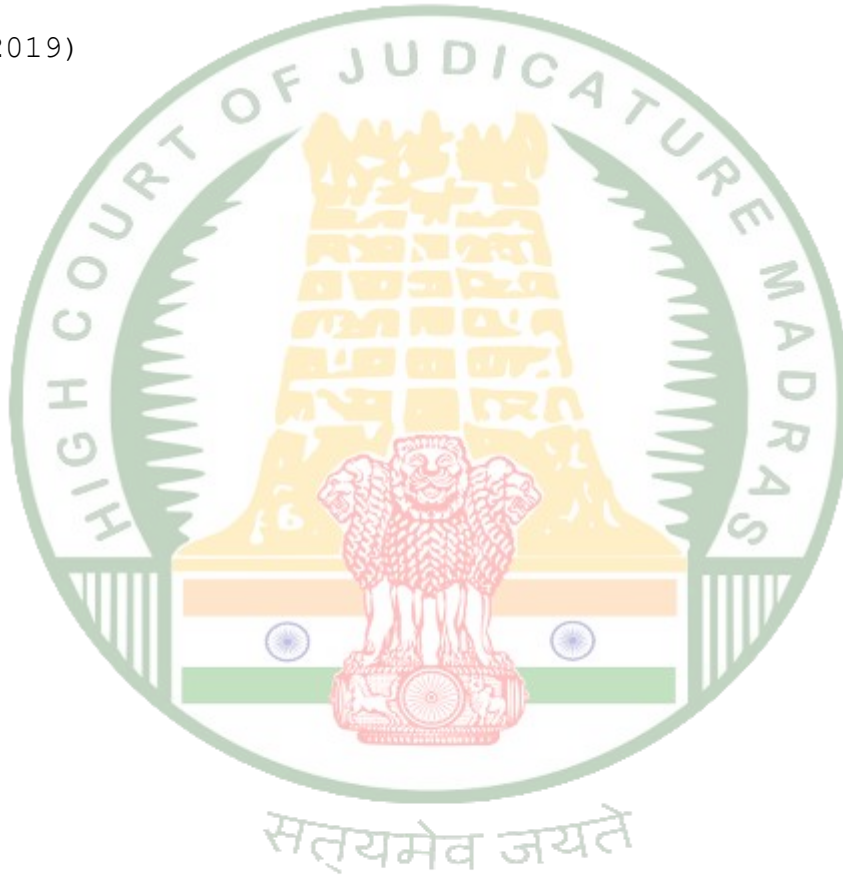
1. The Secretary to Government,
Government of Tamil Nadu,
Social Welfare and Nutritious Meal Programme Department,
Fort St.George, Chennai - 600 009.
2. The District Collector,
Cuddalore District, Cuddalore.
3. The Block Development Officer,
Kurinjipadi Panchayat Union,
Kurinjipadi Taluk,
Cuddalore District.
4. The Secretary,
Government aided Primary School,
Therkumellur (Iruppu) Thenkuthu,
Kurunjupadi Taluk,
Cuddalore District.
5. The Secretary,
Government aided Primary school,
Vakkur Village and Post,
Chidambaram Taluk,
Cuddalore District - 608 201.

6. The Block Development Officer,
Keerapalayam Panchayat Union,
Keerapalayam, Chidambaram Taluk,
Cuddalore District.

+1cc to Mr.N.Selvaraju, Advocate, S.R.No. 35661
+1cc to Mr.I.Sathish, Advocate, S.R.No. 36562
+1cc to Mr.K.S.Suresh, Advocate, S.R.No. 35608
+1cc to Mr.K.Ravikumar, Advocate, S.R.No. 35592
+1cc to the Government Pleader, S.R.No. 35806

W.P.Nos.20812 to 20817 of 2018

PM(CO)
GN(30/05/2019)



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