

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :15.02.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.3961 of 2018
and
W.M.P.Nos.4850 & 4851 of 2018

Baby

..Petitioner

vs

1.The District Collector,
Dharmapuri District.

2.Personal Assistant
to District Collector,
(Nutritious) (General)
Dharmapuri District,
Dharmapuri.

3.Bharathi

4.The Block Development Officer,
Harur, Dharmapuri District.
(R4-Suo motu impleaded as per order dated
07.2.2019)

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order made in Na.Ka.No.1521/2016/X1 dated 14.11.2017 issued by the 1st respondent in favour of the 3rd respondent and quash the same and further directing the respondents 1 and 2 to consider the petitioner for appointment in the Post of Cook Assistant in the Panchayat Union Primary School, Kaldanipadi, Dharmapuri District.

For Petitioner : Mr.A.Nagarathinam

For Respondents: Mr.A.N.Thambidurai

Special Government Pleader for R1 & R2

Mr.R.S.Selvam, Government Advocate
for R4

O R D E R

The order of appointment, appointing the 2nd respondent to the Post of Cook Assistant in Panchayat Union Primary School, Kaldanipadi, Dharmapuri District is under challenge in the present writ petition.

2.The writ petitioner states that she is the permanent resident of 1/72, Chickalur Post, Harur Taluk, Dharmapuri District. The petitioner had completed VIII Standard during the year 2005 and registered her name in the District Employment Office, Dharmapuri.

3.The petitioner belongs to Scheduled Caste Community and her husband also died on 11.09.2005. The petitioner is a Destitute Widow. She has no other source of income and in penurious circumstances. The petitioner is depending upon her father's income, who is earning about Rs.25,000/- per year. Pursuant to the order issued by the Government in G.O.Ms.No.163 dated 18.08.2010, the respondents have taken initiatives to fill up the Post of Cook Assistant in Nutritious Meal Centers. The 1st respondent issued notification, inviting applications for recruitment to the Post of Cook Assistant in Panchayat Union Primary School at Hosur Taluk. The writ petitioner is fully qualified and she also submitted her application to participate in the process of selection. A Call letter was issued on 30.06.2017 and accordingly, the writ petitioner participated in the interview held on 21.07.2017. However, the writ petitioner was not selected and the 3rd respondent was appointed in the said Post of Cook Assistant.

4.The learned counsel for the writ petitioner states that the appointment is a corrupt one and the 3rd respondent was appointed on Favoritism and Nepotism. The interview committee had not conducted any proper interview and by awarded excess marks to the 3rd respondent, and an order of appointment was issued. Thus, the entire selection was illegal and there was a large scale malpractice on account of the irregularity committed by the interview committee for the purpose of concluding the selection. The writ petitioner is a Destitute Widow. Even, the priority has not been given to the writ petitioner. The 3rd respondent is not a widow and therefore, the preference to be given under the Government order has not been provided to the writ petitioner.

6. The learned Special Government Pleader opposed the contention by stating that the post is reserved for General category and the petitioner is residing beyond the distance of 3 Km and therefore, she is not entitled. As far as the age factor is concerned, the petitioner is younger than the 3rd respondent and therefore, the 3rd respondent was appointed. This Court directed the respondents 1 and 2 to produce the files in relation to the selection. The learned Special Government Pleader also filed typed set of papers, wherein the marks awarded by the interview committee are enclosed at Page No.24 of the typed set of papers. The marks awarded by the committee for appreciation are extracted hereunder:-

[illegible]

7.As far as the award of marks by the interview committee, there is no much discrepancy in respect of age and the priority categories. However, there is a gross violation of rules and Favoritism in respect of column 9, wherein the interview committee assessed the knowledge of the candidates regarding the Nutritious Meal Programmes. Column-9 of the above chart is very important. The interview is for 15 Candidates. Out of 15 candidates, two candidates were absent. 13 candidates were appeared in the interview held on 21.07.2017. One candidate was rejected, because of age factor. Therefore, out of 12 candidates, the knowledge about Nutritious Meal Programmes was not at all assessed in view of the fact that no marks are awarded for 12 candidates. Even Zero Mark has not been awarded to all the 12 candidates. Contrarily, 10 out of 10 was granted only to the 3rd respondent.

8.On a perusal of the entire chart submitted by the learned Special Government Pleader, no assessment was made in respect of Column 9 (Knowledge of Nutritious Meal Programmes) in respect of 12 candidates and the 3rd respondent alone was awarded with 10 out of 10 by the interview committee.

9.This Court is of the opinion that the nature of the marks awarded by the interview committee apparently shows that there is an illegality on the face of it. Either, there must be a Favoritism or there is a possibility of corrupt activities. However, these aspects are to be identified only after conducting an enquiry by the competent authorities in this regard. This Court cannot come to the conclusion in respect of the nature of illegality and the irregularities committed by the interview committee, while awarding marks for the purpose of appointing Assistant in the Nutritious Meal Center.

10.However, on the perusal of the entire records, this Court is of an undoubted opinion that the 3rd respondent was appointed on extraneous considerations and without proper assessment. This being the conclusion of this Court, this Court has no hesitation in setting aside the order of appointment issued in favour of the 3rd respondent in proceedings in Na.Ka.No.1521/2016/X1 dated 14.11.2017 and accordingly, the order stands quashed. The 1st respondent is directed to conduct an enquiry in respect of illegalities, irregularities and corrupt activities in the process of selection and initiate suitable action against all the officials including the interview committee members in the manner known to law. As far as the conduct of fresh selection, the competent authorities are at liberty to do so by following the procedures afresh.

11. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Dharmapuri District.

2.The Block Development Officer,
Harur, Dharmapuri District.

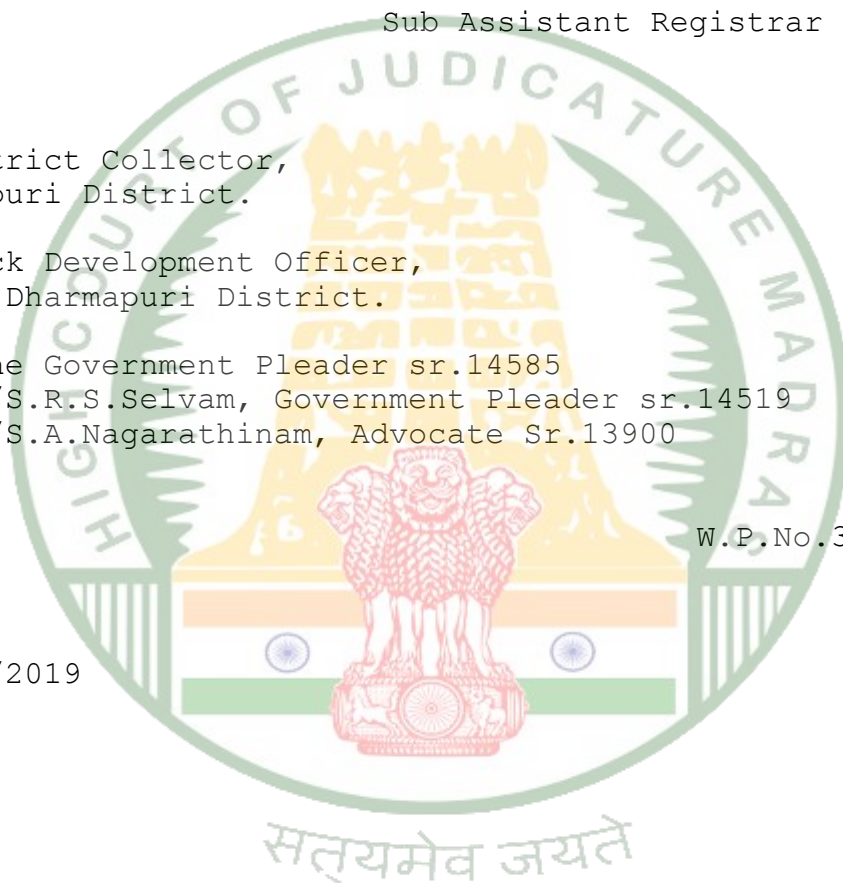
+1cc to the Government Pleader sr.14585

+1cc to M/S.R.S.Selvam, Government Pleader sr.14519

+1cc to M/S.A.Nagarathinam, Advocate Sr.13900

W.P.No.3961 of 2018

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srg 22/04/2019



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