



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:09.07.2019
CORAM
THE HON'BLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P. (MD) No.2058 of 2014
and
M.P. (MD) No.1 of 2014

M.Krishna Balan

... Petitioner

-vs-

- 1.The Director of Collegiate Education,
College Road, Chennai-06.
- 2.The Principal,
Government Women's College (Autonomous),
Kumbakonam-612 001, Thanjavur District.
- 3.The District Employment Officer,
Office of the District Employment Office,
Thanjavur.
- 4.K.Sathyapriya

... Respondents

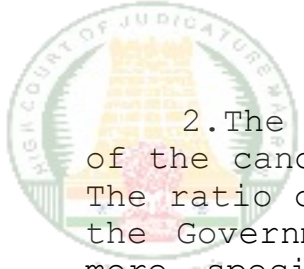
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to conduct fresh interview to fill up the Assistant Computer Programmer Post in the 2nd respondent's college in accordance with the guidelines issued in G.O. (MS) No.18 Labour and Employment Department dated 25.02.2008 and to provide employment to the petitioner as Assistant Computer Programmer in the 2nd respondent's college.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.S.Dhayalan
Government Advocate (for R-1 to R-3)
Mr.K.N.Govardhanan (for R-4)

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to conduct fresh interview to fill up the post of Assistant Computer Programmer in the 2nd respondent's College, in accordance with the guidelines issued in G.O. (MS) No.18, Labour and Employment Department, dated 25.02.2008.



2.The grievances of the writ petitioner is that the sponsoring of the candidates from the Employment Exchange itself was irregular. The ratio of 1:5 was fixed, during the relevant point of time as per the Government Order. However, six candidates were sponsored and more specifically, the sixth candidate, who was sponsored, was selected and appointed. It is raised a doubt in the mind of the Court also whether the sixth candidate, who was sponsored in violation of the Government Orders in force, can be selected and appointed or not.

3.The learned counsel appearing for the writ petitioner states that the process of selections were conducted improperly without making proper assessment of the merit of the respective candidates. This apart, the very sponsoring of the list of names itself was irregular. Thus, the entire selection is to be declared as null and void and accordingly, the direction is to be issued to conduct a fresh selection.

4.The learned Government Advocate appearing on behalf of the respondents 1 to 3 disputed the contentions raised by the writ petitioner by stating that admittedly the names of six candidates were sponsored. However, the sponsoring was done by mistake. Mr.K.Shanmuga Sundar, Deputy Director of Employment, Thanjavur, who is present before this Court produce the files and on verification of the original file, this Court found that the names of six candidates were sponsored out of which, the sixth candidate, she is a differently abled persons. As per the Government Orders, 1:5 ratio is to be followed. The Deputy Director of Employment, Thanjavur, also conceded that the fifth name was erroneously sponsored and during the relevant point of time, the officials had committed a mistake in sending six names for selection. However, the said mistake will not affect the process of selection conducted by the competent authority namely the Principal of the College.

5.Dr.P.Cynthiaselvi, Principal, Government Women's College (Autonomous), Kumbakonam, who is also present before this Court along with original files and submitted the selection files. On a perusal of the selection files, the process of selection was conducted by assessing the respective merits of the candidates, who participated in the process of selection. Out of six candidates sponsored by the District Employment Exchange, five candidates participated in the process of selection, the fourth respondent was placed in Serial No.5 and her disability was assessed as 60%. She studied B.SC (Information Technology) and MCA. She secured Master Degree in first class. The assessment of merits were done by conducting examinations by asking the candidates to type the English version letters as well as Tamil version letters. This apart, an interview was also conducted and marks were awarded under various heads. In the Selection Committee, the Principal was the Chairman and three Members also were there. Under these circumstances, this Court is of the opinion that there is no incriminating evidence to establish that there were some malpractice or otherwise in the process of selection.



6. However, this Court is of the considered opinion that the selection for such nature of post, namely the Computer Programmer, is to be conducted through written examination and the interview marks are to be restricted to 15% of the total marks fixed for the selection. The written examination by setting out the question papers are to be done for the purpose of selection. The established procedure for selection are also to be followed in respect of all future appointments. However, in respect of the present writ petition, the process of selection was conducted during the year 2013 and the fourth respondent is already working in the College for the past about 5 ½ years. Under these circumstances, this Court is not inclined to unsettle the selection, which was done during the year 2013. This apart, the mistake was committed by the District Employment Exchange cannot be rectified at this length of time and the fact remains that out of six candidates, five candidates participated in the process of selection. This being the factum, now place before this Court, the relief as such sought for in the present writ petition deserves no further consideration.

7. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS-)

To

1. The Director of Collegiate Education,
College Road, Chennai-06.

2. The Principal,
Government Women's College (Autonomous),
Kumbakonam-612 001.

3. The District Employment Officer,
Office of the District Employment Office, Thanjavur.

+1 CC to M/s. K.N. GOVARDHANAN, Advocate
(SR-74387[F] dated 10/07/2019)

+1 CC to M/s. SPL GP (SR-74545[F] dated 10/07/2019)

+1 CC to M/s. M. SARAVANA KUMAR, Advocate
(SR-74659[F] dated 11/07/2019)

W.P. (MD) No.2058 of 2014 and
M.P. (MD) No.1 of 2014
09.07.2019