



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.3003 of 2015

and

M.P.[MD]Nos.1 & 2 of 2015

WEB COPY

P.Vishnu Priya

... Petitioner

Vs.

1.The Director,
Backward Class Welfare Department,
Chepauk,
Chennai - 05.

2.The District Backward Class & Minorities,
Welfare Officer,
Collectorate,
Theni,
Theni District.

3.G.Ranjithrani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.20673/2012/12 dated 25.02.2013 on the file of the second respondent and quash the same as illegal and consequently to direct the respondents to consider the petitioner for appointment to the post of Tutor cum Warden at Government School Girls Hostel, Muthaiyanchettipatti, Theni District within the time stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents 1 & 2	: Mr.M.Jeyakumar
	Additional Government Pleader
For Respondent No.3	: No appearance

O R D E R

The order impugned is the order of appointment issued in favour of the third respondent appointing him as Tutor cum Warden in the Backward Class Welfare Department.



2.The writ petitioner states that she is fully qualified for appointment to the post of Tutor cum Warden. The petitioner has completed B.Sc., & B.Ed., in Zoology and registered her name in the District Employment Exchange. Pursuant to the notification, list of eligible candidates were called for from the District Employment Exchange and the name of the writ petitioner was also sponsored. The interview committee conducted an interview and awarded marks.

3.Learned Counsel for the writ petitioner states that the interview committee has not awarded proper marks to the writ petitioner. It is stated that the writ petitioner is a destitute widow with a daughter and son who is differently able. However, this Court is of the opinion that the Committee has to award marks strictly in accordance with the terms and conditions as well as the recruitment rules in force.

4.Learned Additional Government Pleader appearing on behalf of the respondents states that the interview was conducted in accordance with the procedures contemplated and the entire events regarding the selection are narrated in the counter affidavit which reads as follows:

"..... One post of Tutor cum Matron in Government Girls Hostel, Muthaianchettipatti fell vacant w.e.f. 15.06.2012 consequent to the former incumbent went on transfer as Teacher in Kallar reclamation Department and proposals were submitted to the Director of Backward classes welfare Department, Chennai (1st Respondent herein) to fill up the vacant post in this office ROC 20673/2012 J2 dated 13.02.2012 and as per the permission accorded in the Chennai Backward Classes Welfare Commissioner's ROC B1/6075/2009 dated 28/07/2012, a list of eligible candidates to fill up the post was sought for from the District Employment Exchange, Theni in this office ROC 20673/2012/J2 dated 02.08.2012 after observing all usual procedure / formalities and in accordance with the Roaster, seniority, regulation etc.

Accordingly, the District Employment exchange officer, Theni sent a list of 3 persons including the instant writ petitioner and the third respondent herein. I submit that as laid down in G.O.99 dated 7.08.2012, G.O.124 dated 06.11.2012 and G.O.130 dated 07.11.2012 of the Backward Classes, Most Backward Classes and Minorities welfare Department, the sponsored candidates were directed to appear before the selection Committee consisting of the Director of the Backward classes welfare Department, Chennai, who will be the Chairman of the Committee, the



Commissioner of the Most Backward Classes and Minorities welfare or his authorized representative who will be the member of the committee (3) and the District Backward classes and Minorities welfare officer, Theni will be the member secretary of the committee, on 01.02.2013 for a personal interview. I submit that accordingly, they were personally interviewed and the committee declared the result of the candidate is the joint declaration of the committee and the same was communicated in the letter of the Chairman designated of the committee dated, the respondent No.3 herein had scored 68 marks and was declared selected as candidate to the post. I also further submit that, as per annexure No.I to these orders, the instant petitioner was awarded No.1 but the respondent No.3 herein was awarded 4 and these selection orders followed by the directions to the respondent No.2 herein to issue necessary appointment orders to the selected persons. Accordingly, I submit that necessary orders was issued appointing the respondent No.3 herein as the Tutor cum Matron of Muthaianchettipatti Government Girls (MBC) Hostel, as per this office orders in ROC 20673/2012 J2 dated 25.02.2013 and she has also joined the post on 01.03.2013 A.N. and the District Employment Officer, Theni was also intimated about the selection and appointment of the respondent No.3 herein and also the fact of non selection of the other candidates sponsored by the employment exchange. I submit that the instant writ petition is filed against such selection of the respondent No.3 herein after a considerable delay of about more than two years."

5.This part, learned Additional Government Pleader produced the statement of marks granted by the interview Committee. The interview Committee awarded 67 marks to the writ petitioner Smt.P.Vishnu Priya and 62 marks to Mrs.R.Prema and 68 marks to the third respondent. In view of the fact that the third respondent secured 68 marks, the third respondent was appointed as Tutor cum Warden.

6.Under these circumstances, this Court is unable to find out any irregularity or illegality in the process of selection. The writ petitioner also has not established any malpractice or irregularity in the procedures followed. This being the factum, the writ petitioner has not established any acceptable legal ground for the purpose of considering the writ petitioner. The third respondent who was appointed is now working for the past about four [4] years. Under these circumstances, this Court is not inclined to consider the writ petitioner's plea. Such sought for in the present writ petition.



7. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl. Side)

WEB COPY

/TRUE COPY/

Sub Assistant Registrar

MR

To

1. The Director,
Backward Class Welfare Department,
Chepauk,
Chennai - 05.

2. The District Backward Class & Minorities,
Welfare Officer,
Collectorate,
Theni,
Theni District.

+1 CC to M/s.R. SHANKAR GANESH, Advocate (SR-82990[F] dated 22/08/2019)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-83137[F] dated 22/08/2019)

+1 CC to M/s.SPL GP (SR-83325[F] dated 26/08/2019)

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JM/22.10.2019/4P/6C