

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 11.06.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.1712 of 2011**

WEB COPY

Fatima Anbarasi

... Petitioner

Vs.

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Commissioner,
Budalur Panchayat Union,
Budalur,
Thanjavur District.

3. A.Jeyaseeli

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to his order in Na.Ka.No.4200/2009/Sa.Vu.Thi-1 dated 28.09.2010 and quash the same and directing the first respondent to appoint the petitioner as Noon Meal Organizer at Adi-Dravidar Welfare Primary School, Muthuveerakandiyanpatti, Budalur (via), Thanjavur District.

For Petitioner	: Mr.S.Deenadhayalan
For R1	: Mr.M.Jeyakumar Additional Government Pleader
For R2	: Mr.J.Gunaseelan Muthiah
For R3	: No appearance

ORDER

The appointment order of the third respondent to the post of Noon-Meal Organiser in proceeding, dated 28.09.2010 is under challenge in the present writ petition.

2.The learned counsel for the writ petitioner states that the writ petitioner is a widow, eligible for appointment to the post of Noon-Meal Organiser. The petitioner had participated in the interview and submitted all necessary documents. In spite of that,

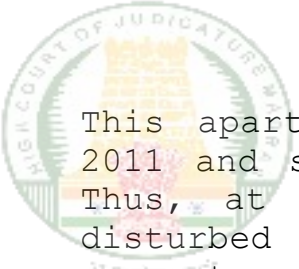
the case of the writ petitioner was not considered and the third respondent was appointed to the post of Noon-Meal Organiser. Thus, the petitioner is constrained to move the present writ petition.

3.The learned counsel for the petitioner states that as per the Government guidelines issued for appointment to the post of Noon Meal Organiser, the writ petitioner is fully qualified and possessing all the requisite qualifications under the eligible criteria. This being the facts and circumstances, the denial of opportunity to the writ petitioner is in violation of the rules in force.

4.The learned Additional Government Pleader appearing on behalf of the respondents states that the Noon Meal Organizer post on Adi-Dravidar Welfare High School, Muthuveerakandiyanpatti, was reserved for general category - priority of Deserted Women, Widow and Physically Challenged Person, as per the letter, dated 19.01.2010 of the District Collector, Thanjavur. It is contended that 12 applicants have participated in the process of selection and they were called for to attend the interview. The third respondent was selected under the category of deserted women and she produced a certificate issued by the Thasildar, Thanjavur, dated 18.02.2008. The appointment of the third respondent was made by following the procedures contemplated and by verifying the certificate of the deserted women. The respondents had followed the guidelines issued by the Government in this regard in G.O.Ms.No.142 and all the 12 applicants were allowed to participate in the process of interview and so, merit assessment was made by the Committee for appointment as per the guidelines issued by the Government and the third respondent, who was selected and appointed belongs to the deserted women category and therefore, there is no infirmity in respect of the appointment made.

5.An order of appointment can be interfered with by the Courts only if there is any malpractice, illegality or corrupt activities established by the participated candidate, in a writ petition. In respect of merit assessment, the same cannot be done by the Courts. It is for the Committee to assess the merit and demerit of a candidate. The contention of the writ petitioner regarding her merit cannot be considered in a writ petition. The merit assessments are to be made by the Selection Committee and only in the event of any illegality or geniality, the Court can exercise the power of judicial review and not otherwise. In ordinary circumstances, the findings of the Selection Committee became final and in these circumstances, the writ petitioner explaining the merits of the writ petition, cannot be a ground to grant the relief of appointment, by setting aside the appointment issued in favour of the third respondent in the present writ petition. This

<https://hcservices.courts.gov.in/hcservices/> principles to be followed, this Court is of the considered opinion that the writ petitioner has not established any acceptable legal grounds to grant the relief as sought for.



This apart, the third respondent was appointed during the year 2011 and she is continuing his service for the past 8 ½ years. Thus, at this point of time, the appointment made cannot be disturbed by the Courts in respect of the grounds raised in the present writ petition.

6. In view of the above, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector,
Thanjavur District,
Thanjavur.
2. The Commissioner,
Budalur Panchayat Union,
Budalur,
Thanjavur District.

W.P. (MD) No.1712 of 2011
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BUC (24/06/2019) 3P/3C