



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.7162 of 2011

and

M.P. (MD) .No.1 of 2011

WEB COPY

Rajamani

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Project Officer,
Integrated Child Development Schemes,
Dindigul.

3.B.Lakshmi

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Se.Mu.Na.Ka.No.3603/A1/2010 dated 23.02.2011 and quash the same and on the file of the 1st respondent and remove the third respondent and appoint the petitioner as an Assistant in Integrated Child Development Scheme in Batlagundu Taluk, Dindigul District.

For Petitioner: Mr.C.M.Appaji

For R1 and R2 : Mr.K.Mu.Muthu

Additional Government Pleader

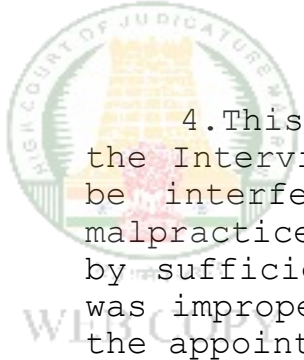
For R3 : No appearance

ORDER

The appointment of the third respondent to the post of Noon Meal worker in proceedings, dated 23.02.2011, is under challenged in the present writ petition.

2.The learned counsel for the writ petitioner states that the age of the writ petitioner was not considered at the time of conducting selection by the competent authorities. The only ground raised in the writ petition is that the writ petitioner was aged about 28 years and the third respondent was aged about 21 years at the time of selection and therefore, the date of birth of the writ petitioner ought to have been considered by the authority for grant of appointment.

3.The learned Additional Government pleader appearing on behalf of the first and the second respondents states that the petitioner was also called for an interview for appointment to the post of Anganwadi worker and she has also appeared in the interview. The third respondent was selected by the Selection Committee and appointed. It is stated the third respondent has experience with particular work and she answered more questions than the petitioner.



4.This Court is of the considered opinion that the decision of the Interview Committee, in respect of the merit assessment, cannot be interfered with, in a routine manner. In the event of any malpractice or corrupt activities, the same has to be substantiated by sufficient proof and mere statement that the selection process was improper, cannot be considered for the purpose of setting aside the appointment made, more specifically, during the year 2011.

5.This Court is of the considered opinion that all appointments are to be made strictly by following the recruitment rules in force. The written examinations are to be conducted, in order to develop transparency in the matter of appointment. Interview marks should not exceed 15 % of the total marks to be awarded and in the event of appointing the candidates to the public post only through interview, the same will provide way for corrupt activities and the equal opportunity also will be vitiated. Thus, the competent authority should ensure that the open competitive process has to be conducted for the appointment to the public post and appointments are to be made by conducting written examination of General Knowledge or written examination in commensuration with the post, for which, the recruitment notifications are issued. Such a procedure alone can save the equality clause and it is pertinent to note that in the event of allowing the competent authority to appoint a candidate only based on the interview, the appointments will be mostly made of favoritism or nepotism. In these circumstances, the first respondent, District Collector should ensure that all such appointments are to be made only by following the established procedure for selection process and appointment can made by conducting written examination.

6.With these observations, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Dindigul District.

2.The Project Officer,
Integrated Child Development Schemes,
Dindigul.

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