



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.15016 of 2014

and

M.P. (MD) No.1 of 2014

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S.Chandrasekar

... Petitioner

-Vs-

1.The Director,
Backward Class Welfare Department,
Chennai.

2.The District Welfare Officer of
Backward Class and Minority People,
Tirunelveli.

3.The District Employment Exchange Officer,
Tirunelveli.

4.A.Thiruppathy

5.A.Thangadurai

6.D.Stalin Homeprabhu

... Respondents

[R4 and R5 dismissed for default vide order dated 03.01.2017]

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the appointment of the respondents 4 to 6 for the post of Study Warden at Backward Class, Most Backward Class/De-Notified Class and Minority Welfare Hostel, Tirunelveli District, the interview held on 16.05.2013 is null and void and consequently, direct the second respondent to select the petitioner for the post of Study Warden at Backward Class, Most Backward Class/De-Notified Class and Minority Welfare Hostel, Tirunelveli District.

For Petitioner : Mr.M.Ramu

For R1 to R3 : Mr.P.Mahendran

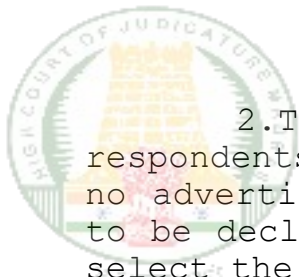
Additional Government Pleader
(for R1 to R3)

For R6 : No Appearance

For R4 & R5-(dismiss for default vide Court Order dated 03.01.2017)

ORDER

The petitioner participated in the process of selection for appointment to the post of Study Warden at Backward Class, Most Backward Class/De-Notified Class and Minority Welfare Hostel, Tirunelveli District. The petitioner attended the interview and not selected. Thus, the present writ petition is filed.



2.The contention of the writ petitioner is that the respondents are not conducted the interview properly and there was no advertisement of vacancies. Therefore, the entire selection is to be declared as null and void and the direction is sought for to select the petitioner.

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3.The process of recruitment was of the year 2013 and the selected persons were appointed and working for the past seven years. The petitioner participated in the process of selection. The candidates once participated in the process of selection cannot, thereafter, challenge the procedures followed and it is pertinent to note that the petitioner was not selected in view of the fact that, he scored lesser mark, than that of the selected candidates in this regard.

4.The learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 solicited the attention of this Court regarding the non-selection of the writ petitioner. It is relevant to extract the counter affidavit filed by the second respondent in Paragraph No.4, which reads as under:-

"...4.The averments explained in the fourth para are strongly denied by this respondent. Actually this respondent sent a call letter N.A.K.AP1/15127/2011, dated 03.05.2013 for interview for the post study warden at Backward Class most backward class de-notified class and minority Welfare Hostel in Tirunelveli District too many qualified peoples through District Employment Exchange and the interview was held on 16.05.2013 at 10 a.m at Collector Office, Tirunelveli. 5 Qualified people attended the interview. All the five candidates were interview by Director of Backward Welfare Most Backward and de-notified Welfare Commissioner, Chief Education Officer, District Backward and Minority Welfare Officer. Each of them analyzed the candidates and gave marks according to the answers given by the candidates. The selection was done for single vacancy. Each of the above said selection board member analyzed the candidate of 60 marks in oral test. Then average marks calculated 40 marks allotted for candidate educational qualification finally. Each candidate awarded marks out of 100 marks. Each candidate's educational qualification the way they answer is oral test and age factor were analyzed by selection board members and the selection board members rewarded the marks accordingly. In that interview the petitioner got 23 marks out of 60 marks from Backward Welfare Director, 23 marks out of 60 marks from the most Backward de-notified Welfare Commissioner, 21 marks out of 60 marks from Chief Educational Officer, 22 marks out of 60 marks from District backward and minority welfare

<https://hcservices.ecourts.gov.in/> The average marks rewarded by the 4 selection



board members was 22 marks out of 60 marks for the petitioner's qualification, the interview committee awarded 26 marks out of 40 marks. Totally the petitioner got 48 marks out of 100 marks. But the fourth respondent got 54 marks out of 100 marks via 30 marks from backward welfare director, 30 marks from MBC/DNC Welfare Commissioner, 31 marks from CEO, 29 marks from DEO, 29 marks from DBM Welfare Officer, average marks in interview was 30 marks out of 60 marks and the marks awarded for educational qualification of 4th respondent was 24 marks out of 40 marks..."

5. In view of the fact that the petitioner participated in the process of selection and not selected, the relief as such sought for cannot be granted at this length of time.

6. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSI)

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/ /2020

Sub Assistant Registrar(CS)

sjj

To

1. The Director,
Backward Class Welfare Department,
Chennai.
2. The District Welfare Officer of
Backward Class and Minority People,
Tirunelveli.
3. The District Employment Exchange Officer,
Tirunelveli.

+1 CC to M/s.SPL GP (SR-21773[F] dated 10/11/2020)

W.P. (MD) .No.15016 of 2014
09.11.2020

PM(CO)
KB(24.11.2020) 3P 5C