



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.4888 of 2014

WEB COPY

C.Thilagavathi

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Commissioner,
Viralimalai panchayat Union,
Pudukkottai District.

3.Kulanthai Terasu

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the Selection of the 3rd respondent in the year 2013 for the post of Noon Meal Organizer of Pallikoodathanpattai Elementary School, Viralimalai Union, Pudukkottai District, as null and void and consequently, direct the 1st respondent to appoint the petitioner as Noon Meal Organizer of Pallikoodathanpatti Elementary School, Viralimalai Union, Pudukkottai District.

For Petitioner	:	Mr.S.Karthick
For R1 & R2	:	Mr.P.Mahendran Additional Government Pleader
For R3	:	Mr.K.S.Vamsidhar

ORDER

The writ on hand is filed to declare the selection of the third respondent in the year 2013 for appointment to the post of Noon Meal Organizer of Pallikoodathanpatti Elementary School, Viralimalai Union, Pudukkottai District, as null and void and direct the first respondent to appoint the petitioner as Noon Meal Organizer.

2.The learned counsel for the petitioner states that the criteria fixed in the Government Order are not followed by the Selection Committee, while appointing the third respondent as Noon Meal Organizer. The guidelines are issued in G.O.Ms.No.110, dated 14.12.2012, the Government fixed certain norms for selection. However, the respondents 1 and 2 had not followed the norms, while considering the case of the third respondent.

3.The learned counsel appearing on behalf of the writ petitioner relying on the judgment of the Hon'ble Division Bench dated 22.03.2017 in W.A(MD)Nos.799 of 2012 etc batch, contended that



all the Government Orders are upheld by the Division Bench and therefore, the Government Orders are to be followed scrupulously.

4.The learned Special Government Pleader made a submission that the Government Orders were followed scrupulously in the process of selection conducted. The Selection Committee is strictly followed the procedures and interview was conducted, notification was published and the other proceedings contemplated in the Government Orders were scrupulously followed. The procedures followed are narrated in Paragraph Nos.7, 8 and 9 of the counter affidavit filed by the Commissioner of Viralimalai Panchayat Union and those paragraphs are extracted hereunder:

"7.The interview was conducted for the post of Noon meal organizer on 30.10.2013. Totally 7 candidates for this post including the petitioner and the 3rd respondent also have participated. The interview selection committee has selected the 3rd respondent is working as Noon meal organizer in the centre from 04.03.2014. I submit that the allegation quoted in W.P(MD).No.4888/14 para 5 and 6 are totally denied. The appointment process was stretchy following by the respondents as per the Government order No. and there is no question of the arbitrary manner arises.

8.I humbly submit that the petitioner and the 3rd respondent qualification are as follows:

Sl. No	Name	D.O.B & Age	Educational qualification	Residence
1.	C.Thilagavathi (Petitioner)	Age 35 (D.O.B.14.07.1978)	12 th completed on September 1998	Athippallam (It is located 2.5 km away from Pallikudathanp atty
2	H.Kulandai Theresa (3 rd Respondent)	Age 36 (D.O.B.07.04.1977)	12 th Completed on March 1995	Pallikudathanp atty

9.I state that the respondents clarified the above said documents which produced by the candidates. The 3rd respondent got all the necessary qualifications the committee, has scrutinized all the documents and finally selected her for the post of NMP Organiser."

5.This Court is of the considered opinion that the selection and appointment can be questioned if there is an irregularity or illegality is established. Assessment on a candidate is the prerogative of Selection Committee, only in the event of corrupt practices or illegality, the Courts can



interfere and not otherwise. The assessment made by the Selection Committee concerned cannot be evaluated by the Courts. The Courts have no option or power to question the assessment made by the competent authorities only if any illegality is established, then alone the selection can be set aside and not otherwise. In the present case, the procedures were followed and the third respondent was appointed based on the merits. The merit assessment made by the Committee concerned could not be interfered with by this Court and therefore, the third respondent was appointed in the year 2013 and now working for the past 7 years and no further consideration is required. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Commissioner,
Viralimalai panchayat Union,
Pudukkottai District.

+1 CC to M/s.GP (SR-24622[F] dated 09/12/2020)

+1 CC to M/s.K.S.VAMSIDHAR, Advocate (SR-24724[F] dated 09/12/2020)

W.P. (MD) No.4888 of 2014
08.12.2020

SSS (CO)

AP(21/12/2020) 3P 5C