



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.14645 of 2012

Chellammal

... Petitioner

vs.

1.The District Collector,
Karur District, Karur.

2.The Commissioner,
Krishnarayapuram Panchayat Union,
Krishnarayapuram Taluk, Karur District.

3.Murugeswari

4.The Personal Assistant (P.A)
to the District Collector (Noon Meal Scheme),
Karur District, Karur. ... Respondents

(R4 is impleaded vide Court order Dated 18/12/2020 made in WMP(MD) No.4517/2020 In WP(MD)No.14645/2012) .

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent relating to the proceedings made in Na.Ka.No.A1/183/2012/SaVuThi, dated 01.09.2012 and quash the same and to direct the first respondent to appoint the petitioner as Cook at Kuppandiyur Village, Krishnarayapuram Panchayat Union, Karur District

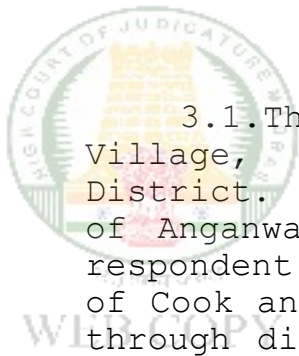
For Petitioner : Mr.V.Kannan
For R1 and R2 : Mr.K.S.Selvaganesan
Government Advocate
For R3 : No Appearance

O R D E R

This Writ Petition has filed to quash the impugned order passed by the first respondent, dated 01.09.2012, and to direct the first respondent to appoint the petitioner as Cook at Kuppandiyur Village, Krishnarayapuram Panchayat Union, Karur District.

2.Heard Mr.V.Kannan, learned Counsel for the petitioner and Mr.K.S.Selvaganesan, learned Government Advocate for R1 and R2.

3.Brief facts that are necessary for the disposal of this Writ Petition are as follows:



3.1.The petitioner is residing Viratti Goundanur, Thondamanikam Village, Kurunthankulam Village, Krishnarayapuram Taluk, Karur District. The petitioner has prescribed qualifications for the post of Anganwadi Assistant, Cook and Nutrition Assistant. The first respondent herein published a notification for filling up the post of Cook and Assistant Cook at Kuppandiyur Village in Karur District through direct recruitment. It is admitted that the qualification prescribed to the post is only 8th standard and the person should know read and write in Tamil. In terms of which also, it is admitted that the petitioner is eligible to the post of Cook and Assistant Cook.

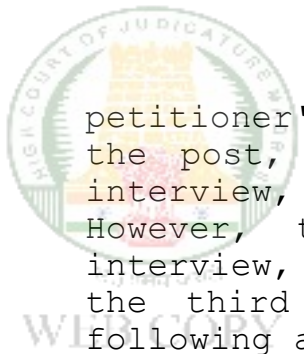
3.2.The petitioner applied for the said post on 19.06.2012. The petitioner's application was duly received by the second respondent. The second respondent sent a call letter to the petitioner on 27.06.2012 for the interview to be held on 06.07.2012. Though the petitioner attended the interview, it is her case that she was not chosen to the said post.

3.3.It is the specific case of the petitioner that the third respondent, who had not even applied for the post and was not called for any interview, has been selected by the official respondents. Since the petitioner was not given employment for known reasons, the above Writ Petition is filed by the petitioner, challenging the order passed by the first respondent appointing the third respondent, dated 01.09.2012.

4.A counter affidavit has been filed by the second respondent. It is stated that all the candidates, who were interviewed, were rejected. The performance of the candidates, who were interviewed, was not satisfactory. Therefore, they have requested the District Collector and the Personal Assistant to the District Collector for passing an appropriate order. Therefore, it is stated that the candidates, who attended interview, were found unfit and the third respondent was appointed as a Cook, as there was an urgency in filling up the post of Cook.

5.The learned Counsel for the petitioner submitted that third respondent is residing at a village known as Alagapur Village, which is 15 km away from the village, in which appointment is made and that therefore, the appointment is in violation of G.O.Ms.No.203, dated 19.08.2005, wherein, it is specifically stated that the candidates, who are residing in any of the hamlets in the same Union, not beyond 10 km, are eligible to the post of Cook.

6.There is no dispute with regard to the legal proposition that the petitioner has no legal or vested right to seek appointment to the post of Cook, merely because, the petitioner has the requisite qualification. Even assuming that the suitability will be considered, the official respondents cannot arbitrarily reject the petitioner on any ground. There is no dispute with regard to the



petitioner's qualification. If the petitioner is not suitable to the post, the candidature of other candidates, who appeared for interview, can be considered in preference to the petitioner. However, the third respondent, who was not even called for interview, has been appointed to the post. It is not stated that the third respondent was appointed to the post of Cook after following a fresh selection process. Even in the counter affidavit, why the petitioner was found unfit is not stated.

7. For the aforesaid reasons, this Court is unable to sustain the appointment of the third respondent to the post of Cook. Hence, this Writ Petition is allowed and the impugned order passed by the first respondent, dated 01.09.2012, appointing the third respondent as Cook is set aside. The first respondent is directed to initiate fresh recruitment to the post of Cook/Anganwadi Assistant at Kuppandiyur Village, Krishnarayapuram Panchayat Union, Karur District and consider the candidature of the petitioner along with other candidates and complete the entire selection process in accordance with law strictly in adherence to the Rules within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The District Collector,
Karur District, Karur.
2. The Commissioner,
Krishnarayapuram Panchayat Union,
Krishnarayapuram Taluk, Karur District.
3. The Personal Assistant (P.A)
to the District Collector (Noon Meal Scheme),
Karur District, Karur.

+1 CC to M/s. Special Government Pleader (SR-25184[F] dated
04/08/2021)

W.P. (MD) No.14645 of 2012

03.08.2021

RS (17.08.2021) 3P 5C