



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)Nos.7745 & 7748 of 2021

and

W.M.P(MD)Nos.5894, 5897, 5899 & 5900 of 2021

W.P(MD)No.7745 of 2021:-

R.Paramasivam

... Petitioner

vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Adi Diravidar and Tribal Welfare Department,
Secretariat, Chennai.
- 2.The Commissioner of Adi Diravidar,
O/o.Adi Diravidar Welfare Department,
Chepauk, Chennai.
- 3.The District Adi Dravidar and Tribal Welfare Officer,
O/o.Adi Diravidar and Tribal Welfare Department,
Trichy, Trichy District.
- 4.R.Mugesh Raj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to impugned order passed by the third respondent in his proceedings in Na.Ka.No.Ma4/19616.2020 dated 22.01.2021 and quash the same as illegal and consequently to direct the respondents to proceed with the recruitment process of cook in conformity with Articles 14 and 16 of the Constitution of India and the petitioner's candidature in accordance with law within the period stipulated by this Court.

W.P(MD)No.7748 of 2021:-

Y.Parameswari

... Petitioner

vs.



1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Adi Diravidar and Tribal Welfare Department,
Secretariat, Chennai.

2.The Commissioner of Adi Diravidar,
O/o.Adi Diravidar Welfare Department,
Chepauk, Chennai.

3.The District Adi Dravidar and Tribal Welfare Officer,
O/o.Adi Diravidar and Tribal Welfare Department,
Trichy, Trichy District.

4.A.Adhistakumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to impugned order passed by the third respondent in his proceedings dated 22.01.2021 and quash the same as illegal and consequently to direct the respondents to proceed with the recruitment process of cook in conformity with Articles 14 and 16 of the Constitution of India and the petitioner's candidature in accordance with law within the period stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
(in both W.Ps') for M/s.Ajmal Associates

For RR 1 to 3 : Mr.C.Ramesh
(in both W.Ps') Special Government Pleader

COMMON ORDER

These Writ Petitions are filed seeking for Writs of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in his proceedings in Na.Ka.No.Ma4/19616.2020, dated 22.01.2021 and quash the same and consequently, to direct the respondents to proceed with the recruitment process of Cook in conformity with Articles 14 and 16 of the Constitution of India and the petitioners candidature in accordance with law within the period stipulated by this Court.

2.Mr.C.Ramesh, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

3.According to the petitioners, they belong to Scheduled Caste Community and have studied upto 8th Standard and 12th Standard respectively. While so, the third respondent invited applications from the eligible candidates for appointment to the post of Cook through Employment Exchange as well as by way of paper advertisement. The first respondent, by proceedings, dated



26.05.2020, prescribed the following qualifications and other eligibility criteria, which reads as follows:-

i) The applicant should know to read and write in Tamil language and should not have passed in 10th standard (Highest Educational Qualification is S.S.L.C fail).

ii) Age limit is 35 years as on 01.07.2020.

iii) The applicant should be a resident of Trichy District.

iv) The preference should be given to the candidates with previous experience in cooking both Vegetarian and Non-Vegetarian food.

v) The applicant should be SC/ST/SCA.

vi) No civil/criminal case is pending against applicant."

4.The petitioners being fully qualified for the appointment to the post of Cook, had submitted applications along with necessary documents. Thereafter, the third respondent, by proceedings, dated 14.12.2020, issued the interview call letter calling upon them to appear before him on 28.12.2020. Pursuant to which, the petitioners have participated in the interview held on 28.12.2020. While the petitioners were awaiting for the appointment order, to their shock and surprise, they came to know that the fourth respondent in both the Writ Petitions were appointed.

5.According to the petitioners, the fourth respondent in both the Writ Petitions belonged to other District and they got appointment by producing bogus address. Further, according to the petitioners, some overqualified persons were also appointed as Cook. As per the Judgment of the Hon'ble Apex Court in Civil Appeal No.3602 of 2020 (Chief Manager, Punjab National Bank and another Vs. Anit Kumar Das), if a person is over qualified, he/she is disqualified for being appointed. In the above circumstances, the petitioners have come out with the present Writ Petitions, challenging the impugned orders, dated 22.01.2021 passed by the third respondent appointing the fourth respondent in both the Writ Petitions.

6.Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the fourth respondent in both the Writ Petitions belonged to Trichy District and he has also produced the copies of the Aadhar Card showing the address of the fourth respondent within Trichy District. The learned Special Government Pleader further submitted that earlier one M.Chandrasekar, with regard to the same issue, had filed a Writ Petition in W.P(MD)No.4617 of 2021 and this Court by order dated 05.03.2021, dismissed the said Writ Petition and prayed for dismissal of the present Writ Petitions.



7. Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents 1 to 3.

8. The grievance of the petitioners in both the Writ Petitions is that the fourth respondent in both the Writ Petitions belonged to other District and some overqualified persons were also appointed.

9. From the perusal of the impugned order and the copies of the Aadhar Card produced by the learned Special Government Pleader, it is seen that the addresses of the fourth respondent in both the Writ Petitions are in Trichirappalli District. Further, it is seen that the petitioners have not specifically stated that the fourth respondent in both the Writ Petitions are overqualified and not entitled for appointment and they have only stated that some of the persons appointed were overqualified.

10. In view of the failure on the part of the petitioners to specifically state in the affidavit that the fourth respondent in both the Writ Petitions are over qualified and the fourth respondent in both the Writ Petitions belonged to Trichirappalli District, the Writ Petitions are devoid of merits and the same are liable to be dismissed. Accordingly, both the Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Secretary to Government,
Adi Diravidar and Tribal Welfare Department,
Secretariat, Chennai.

2.The Commissioner of Adi Diravidar,
O/o.Adi Diravidar Welfare Department,
Chepauk, Chennai.

3.The District Adi Dravidar and Tribal Welfare Officer,
O/o.Adi Diravidar and Tribal Welfare Department,
Trichy, Trichy District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-15946[F] dated
16/04/2021)

+1 CC to M/s.SPL GP (SR-16023[F] dated 16/04/2021)

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RM(05.05.2021) 5P 6C