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W.P.No.4689 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4689 of 2019
and
W.M.P.No.5327 of 2019

R.Salomi

... Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Personnel Assistant to the District Collector
(Noon Meal Scheme)
The District Collector,
Coimbatore District,
Coimbatore.

3.The Commissioner,
Valparai Municipality, Valparai
Coimbatore District.

4.The Selection Committee for the post of helper
Noon Meal Scheme,
Office of Commissioner
Valparai Municipality, Valparai
Coimbatore District.

5.Tmt.M.Geetha

... Respondents



W.P.No.4689 of 2019

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in relation to proceedings issued in Na.Ka.No.357/216/q.2, dated 10.04.2018 issued by the 2nd respondent and quash the same and issue a consequential direction to the respondents 1 to 4 to appoint the petitioner as a Helper under Noon Meal Scheme at Panchayat Union Primary School, Manica NC, Valparai, Coimbatore District or in any other School in Valparai Which comes under the control of respondent No.1 to 4, with service and monetary benefits.

For Petitioner	: Mr.R.Saseetharan
For R1, R2 & R4	: Mr.V.Arun Additional Advocate General Assisted by Mrs.P.Raja Rajeswari Government Advocate
For R3	: Mr.T.Arun Kumar
For R5	: No Appearance

ORDER

The appointment of the 5th respondent as Cook Assistant in Panchayat Union Primary School, Manica NC, Valparai Panchayat Union, Coimbatore District is under challenge in the present writ petition.



2. The petitioner and the 5th respondent along with other candidates participated in the process of selection for appointment to the post of Cook Assistant.

3. The petitioner states that she had furnished all the relevant documents and performed well. The 5th respondent, who is not eligible, was appointed as Cook Assistant in violation of the Government guidelines issued by the Government.

4. The learned counsel for the petitioner mainly contended that there was no merit assessment in respect of the candidates, who participated in the process of selection. In the absence of any assessment on merits, the selection is tainted with favoritism and nepotism and on that ground also the order of appointment is to be set aside.

5. The learned Additional Advocate General appearing on behalf of the respondents relying on the letter communicated by the PA to the District Collector Coimbatore in letter dated 17.10.2022 has stated that no marks were awarded to the candidates, who have participated in the process of



selection. When there is no award of marks, the assessment made by the Selection Committee itself is questionable.

6. The Government prescribed criterias for the purpose of selection. Therefore, the merits assessment became imminent for the purpose of selection to the post of Cook Assistant. Marks are to be awarded based on the criterias fixed by the Government and in respect of the present case, no marks were awarded. Thus, the selection became improper and not in consonance with the guidelines issued by the Government.

7. In the absence of award of marks, question arises, on what basis the selection conducted. Thus, the selection was not conducted by following the established principles settled by the Constitutional Courts and therefore, this Court is inclined to consider the writ petition. Consequently, the order impugned passed by the 2nd respondent in proceedings in Na.Ka.No.357/216/q.2 dated 10.04.2018 is quashed and the respondents 1 to 4 are directed to conduct a fresh selection by following the procedures as contemplated and by affording equal opportunity to all the candidates, who all are eligible to participate in the process of selection.



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8. With the above direction, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes

Speaking order

To

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S.M.SUBRAMANIAM, J.

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