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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.6400 OF 2022

AND

W.M.P.NOS.6483 & 6628 OF 2022

S.Kannan

... Petitioner

Vs.

1. The Secretary,  
Rep. by Union of India, Ministry of Tourism,  
No.1, Transport Bhavan, Parliament Street,  
New Delhi - 110 001.
2. The Principal Secretary,  
Institute of Hotel Management  
Catering Technology & Applied Nutrition,  
(An Autonomous body, Ministry of Tourism,  
Govt. of India), C.I.T.Campus, Taramani P.O,  
Chennai - 600 113.
3. The Chairman, Board of Governors,  
Institute of Hotel Management  
Catering Technology & Applied Nutrition,  
(An Autonomous body, Ministry of Tourism,  
Govt. of India), C.I.T.Campus, Taramani P.O,  
Chennai - 600 113.
4. The Principal Secretary,  
Institute of Hotel Management  
Catering Technology & Applied Nutrition,  
(An Autonomous body, Ministry of Tourism,  
Govt. of India), Near MS Building & SKSJI Hostel,  
SJP Campus, Bangalore - 560 001.

... Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ of Certioratified Mandamus calling for the records of the 2<sup>nd</sup> respondent and quash the e-mail communication dated 25.02.2022 and consequently



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direct the 2<sup>nd</sup> respondent to empanel the petitioner for considering the post of 'Principal'.

|                |   |                                                         |
|----------------|---|---------------------------------------------------------|
| For Petitioner | : | Mr.P.Ayyamperumal                                       |
| For R1         | : | Mr.K.Subbu Ranga Bharathi<br>Central Government Counsel |
| For R3         | : | Mrs.S.Anitha<br>Special Government Pleader              |

#### ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking to issue a writ of Certioratified Mandamus quashing the e-mail communication dated 25.02.2022 by the second respondent and consequently direct the second respondent to empanel the petitioner for considering the post of 'Principal'.

3. The case of the petitioner in brief:

The petitioner is working as Principal and Secretary to Governing Body, Food Craft Institute, Mysore 570 010, on deputation, which was duly approved by the fourth respondent. The second respondent invited applications for the post of Principal vide advertisement dated 07.07.2019 and the petitioner had applied for the same through the fourth respondent, vide letter dated 02.08.2019. Apart from that, the petitioner has also sent advance copy of the application to the second respondent. Subsequently, the petitioner had enquired through email dated 16.02.2022 with the second respondent, about the status of his application and candidature. The second respondent and third respondent informed through e-mail dated 25.02.2022 that, they did not receive any advance copy of the application and only the application through proper channel was received on 07.08.2019 at 2.00 p.m. Again, the petitioner had sent one more email to the second respondent that his application was forwarded through the fourth respondent on 02.08.2019 itself and advance copy also sent by him. But till date, no response from the second and third respondents. The apprehends of the petitioner is that his application may not be considered for scrutiny on the ground that the application has reached after the due date i.e. on 07.08.2019. The petitioner has got requisite qualification and experience and the interview



for selecting a candidate for the post of Principal is on 15.03.2022. If the second and third respondents do not consider the candidature of the petitioner to the post of Principal, his right will be affected. Hence this writ petition.

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4. The learned Special Government Pleader appearing for the third respondent submitted that, there is no records available in the office of the second and third respondent for receipt of the advance copy of the application sent by the petitioner and only the application forwarded by the fourth respondent was received. Hence, the petitioner is not entitled to seek empanel him for considering the post of Principal.

5. It is an admitted fact that the closing date for receiving the application for the post of Principal was 05.08.2019. According to the petitioner, he had sent his application to the second respondent through the fourth respondent on 02.08.2019 itself, and he has sent advance copy also to the second respondent. But, a perusal of the typed set of papers filed by the petitioner shows that there is no acknowledgment proof either for sending the application through the 4th respondent or for sending advance copy of the application on 02.08.2019 itself.

6. Further, there is no records to show that the petitioner has taken steps to know the process initiated by the second and third respondents in scrutinizing the application for the post of " Principal", after sending application on 02.08.2019. From the year 2019 to 2022, he had slept over the matter and only on 16.02.2022, he had enquired the second respondent to know the status of the application. Therefore, the contention of the petitioner that he had sent his application on 02.08.2019 itself cannot be accepted, since there is acknowledgment to prove the same. Hence, this court is of the view that, the impugned e-mail communication does not warrants any interference by this court.

7. Accordingly, the writ petition is dismissed. No costs. Consequently, connected writ miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

mst



To

1. The Secretary, Ministry of Tourism,  
No.1, Transport Bhavan, Parliament Street,  
New Delhi - 110 001.

2. The Principal Secretary,  
Institute of Hotel Management Catering Technology & Applied  
Nutrition, (An Autonomous body, Ministry of Tourism,  
Govt. of India), C.I.T.Campus, Taramani P.O,  
Chennai - 600 113.

3. The Chairman, Board of Governors,  
Institute of Hotel Management  
Catering Technology & Applied Nutrition,  
(An Autonomous body, Ministry of Tourism,  
Govt. of India), C.I.T.Campus, Taramani P.O,  
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SJP Campus, Bangalore - 560 001.

+1cc to Mr.P.Ayyamperumal, Advocate, S.R.No.19002

+1cc to the Government Pleader, S.R.No.19528

W.P.No.6400 of 2022 and  
WMP No.6483, 6628 of 2022

VG-II(CO)  
RLP(07/04/2022)