



WEB COPY



W.P.No.8480 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8480 of 2016
and W.M.P.Nos.7539 & 7540 of 2016

K.Kalaiselvi

... Petitioner

Vs.

1.The District Collector,
Collector Office,
Sathuvachari,
Vellore District.

2.The Block Development Officer,
Alangayam,
Vellore District.

3.V.Senthamarai

... Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the entire records pursuant to the order of the 1st respondent in Na.Ka.No.1334/2015/BG1 dated 29.01.2016 and quash the same and consequently direct the 1st respondent to consider the name of the petitioner for the post of noon meal organizer in accordance with law.



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For Petitioner : Mr.T.Meganathan

For Respondents : Mr.V.Arun
Additional Advocate General

assisted by
Mr.R.Neethi Perumal
Government Advocate for R1

Mr.T.Arunkumar
Additional Government Pleader for R2

Mr.L.Chandrakumar for R3

ORDER

The appointment of the 3rd respondent as a Noon Meal Organizer is sought to be quashed in the present writ petition.

2.The petitioner states that she is fully eligible and qualified for appointment to the post of Noon Meal Organizer and she participated in the process of selection conducted by the official respondents. The petitioner is a widow and residing within the radius of 3 Km and thus, she is fully eligible for appointment. The petitioner submitted all the relevant documents at the time of



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conduct of interview and awaiting for the order of selection and appointment.

However, the 3rd respondent was appointed in violation of the Government guidelines issued in G.O.Ms.No.163, dated 18.08.2010.

3.The learned counsel for the petitioner mainly contended that the 3rd respondent is residing beyond the radius of 3 Km. That apart, the Selection Committee has not awarded any marks for the widow category and therefore, the petitioner is deprived of her opportunity for selection to the post of Noon Meal Organizer.

4.The learned Additional Advocate General appearing for the respondents 1 and 2 objected the said contentions by stating that the petitioner and the 3rd respondent participated in the process of selection in the centre at Pethaveapampattu, which is allotted to general category. Therefore, the Committee conducted general assessment regarding the criteria pursuant to the guidelines issued in G.O.Ms.No.163, dated 18.08.2010. The said centre was not allotted for widow category and therefore, there is no special marks awarded to the widow category. That apart, pursuant to the interim directions issued by this



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Court, the competent authorities conducted measurement regarding the distance between the centre and the respective residences of the petitioner and the 3rd respondent. Accordingly, both the petitioner and the 3rd respondent are residing within the radius of 3 Km and both of them were found eligible. As per the marks awarded by the interview Committee, the petitioner scored 22 marks and the 3rd respondent secured 27 marks. The marks were awarded under different heads by following the procedures and guidelines issued by the Government in G.O.Ms.No.163 and therefore, there is no infirmity and the writ petition is to be rejected.

5.This Court is of the considered opinion that the Committee has conducted the interview based on the documents as well as by assessing the performance of the candidates. The centre in question is allotted to the general category. Therefore, in the event of awarding special marks to the widow candidate alone would defeat the purpose of providing quota for general category candidates. The priority marks are to be granted only where the centre is allotted to a priority category. For instance, if ten marks are awarded to one widow in a general category centre, then the widow quota alone will exceed and



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the other candidates will not get any opportunity for selection. Thus, equal opportunity is to be ensured. The Interview Committee awarded marks under various heads. In the present case, they have not granted any mark for widow since the centre was allotted to general category and equal opportunity in public employment being the mandate, assessment also to be made in a consistent manner. Thus, in a non-priority category centres, special marks if awarded, the same would deprive all other general candidates from getting selection and in such an event, the selection will end in discrimination as the priority category candidate will be selected. In order to avoid such discrimination, the Interview Committee categorized the centres and accordingly, fixed the criteria by following the guidelines issued in G.O.Ms.No.163. The assessment made by the Interview Committee becomes final. The Court has to find out only whether there is any inconsistency, discrimination and favoritism. Otherwise, if at all the marks are granted in an uniform manner under various heads, the said assessment cannot be interfered with by the High Court and this being, the factum, the assessment made by the Interview Committee cannot be said to be perverse. That apart, both the petitioner and the 3rd respondent are residing within the radius of 3 Km and the 3rd respondent was appointed and serving in



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the centre for about six years. Further, Comparative merit assessment cannot be made by the High Court by exercising the power of judicial review under Article 226 of the Constitution of India. The power of judicial review is to be exercised only to ascertain the processes through which a decision is taken by the competent authority in accordance with the statute and the rules in force but not a decision itself. Therefore, the relative merits are to be assessed by the competent Committee and the said decision becomes final and cannot be interfered with by the High Court. For all these reasons, this Court is not inclined to consider the relief as such sought for in the present writ petition and consequently, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

26.09.2022

Index : Yes
Internet : Yes
Speaking order
ssr



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S.M.SUBRAMANIAM, J.

SSR

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