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W.P.No.31298 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31298 of 2017
and W.M.P.Nos.34378 & 34379 of 2017

Mrs.Chinnalagi

... Petitioner

Vs.

1.The District Collector,
Dharmapuri District,
Collectorate, Dharmapuri – 636 705.

2.The Personal Assistant to the District Collector,
Nutritious Meal (in-Charge)
Dharmapuri District,
Collectorate, Dharmapuri – 636 705.

3.The Block Development Officer,
(Block & Village Panchayats), Pennagaram,
Dharmapuri District.

4.Mrs.M.Chitra

... Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to
issue a writ of Certiorarified Mandamus, calling for the records of the 2nd



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respondent's impugned proceedings bearing Na.Ka.No.1521/2016/X1 dated 14.11.2017 appointing the 4th respondent as a Noon Meal Cooking Assistant in the Panchayat Union Middle School at Pikkampatti, Pennagaram Taluk, Dharmapuri District, quash the same and consequently direct the 1st and 2nd respondents to appoint the petitioner as a Noon Meal Cooking Assistant in the Panchayat Union Middle School at Pikkampatti, Pennagaram Taluk , Dharmapuri district or at any other nearby School.

For Petitioner : M/s.Arun Anbumani

For Respondents : Mr.V.Arun
Additional Advocate General

assisted by
Mrs.R..Anitha for R1 and R2

Mr.R.S.Selvam for R3

Mr.S.Lakshmeanasamy for R3

ORDER

The appointment of the 4th respondent as Cook Assistant is under challenge in the present writ petition.



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2.The petitioner had participated in the process of selection for appointment to the post of Cook Assistant and submitted all the requisite documents to establish that she fulfilled the requirements as contemplated in the Government guidelines. The petitioner performed well and was expecting an order of selection. However, the 4th respondent was selected and appointed in violation of the Government guidelines issued.

3.The learned counsel for the petitioner mainly contended that the marks awarded by the Interview Committee was improper and more specifically under the head of economic status, the 3rd respondent has not properly given marks as per the norms fixed by the Interview Committee. Therefore, the order of appointment of the 4th respondent is to be set aside.

4.The learned Additional Advocate General appearing on behalf of the respondents 1 to 3 objected the said contentions by stating that the marks were awarded by the Interview Committee in a consistent and uniform manner. The petitioner scored 45 marks and the 4th respondent scored 47 marks. The



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difference of marks between these two candidates is in respect of the knowledge in Noon Meal Programmes and therefore, the said assessment cannot be reassessed as it was made based on the performance of the individual candidates.

5.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.

6.The fact remains that the Interview Committee made an assessment of the respective candidates who had participated in the process of selection and accordingly, awarded 45 marks to the writ petitioner and 47 marks to the 4th respondent. Therefore, this Court do not find any acceptable reasons for the



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purpose of interfering with the process of selection and consequently, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

7.The Registrar General of Madras High Court is directed to reimburse the deposit amount of Rs.5,000/- if any, deposited by the petitioner.

26.09.2022

Index : Yes
Internet : Yes
Speaking order
ssr

To

- 1.The District Collector,
Dharmapuri District,
Collectorate, Dharmapuri – 636 705.
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ssr

3.The Block Development Officer,
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