



W.P(MD)No.10506 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.10506, 11778 & 11779 of 2022

and

**W.P(MD)Nos.7620, 7621, 8370, 8372,
8375 & 8376 of 2022**

W.P(MD)No.10506 of 2022:

S.Inigo

... Petitioner

Vs

1.The Government of Tamil Nadu
Represented by
The Principal Secretary,
Backward Class, Most Backward Class and
Minorities Welfare Department,
Fort St.George,
Chennai – 600 009.

2.The Commissioner,
Directorate of Backward Class Welfare,
Ezhilagam Annexe Building II Floor,
Chepauk,
Chennai – 600 005.

3.The District Backward and
Minorities Welfare Officer,
Tenkasi District,
Tenkasi.

... Respondents



W.P(MD)No.10506 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in Letter No.B4/2874/2020, dated 09.05.2022 and quash the same insofar as the petitioner herein in Serial No.11 is concerned.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.R.Suresh Kumar
Additional Government Pleader

W.P(MD)No.11778 of 2022:

M.Anitha

... Petitioner

Vs

- 1.The Government of Tamil Nadu
Represented by
The Principal Secretary,
Backward Class, Most Backward Class and
Minorities Welfare Department,
Fort St.George,
Chennai – 600 009.
- 2.The Commissioner,
Directorate of Backward Class Welfare,
Ezhilagam Annexe Building II Floor,
Chepauk,
Chennai – 600 005.
- 3.The District Backward and
Minorities Welfare Officer,



W.P(MD)No.10506 of 2022

Tenkasi District,
Tenkasi.

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in Letter No.B4/2874/2020, dated 09.05.2022 and quash the same insofar as the petitioner herein in Serial No.21 is concerned.

For Petitioner : Mr.Saravanan

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.R.Suresh Kumar
Additional Government Pleader

W.P(MD)No.11779 of 2022:

M.I.Mahalekshmi

... Petitioner

Vs

1.The Government of Tamil Nadu
Represented by
The Principal Secretary,
Backward Class, Most Backward Class and
Minorities Welfare Department,
Fort St.George,
Chennai – 600 009.

2.The Commissioner,
Directorate of Backward Class Welfare,
Ezhilagam Annexe Building II Floor,
Chepauk,
Chennai – 600 005.



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3.The District Backward and
Minorities Welfare Officer,
Tenkasi District,
Tenkasi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in Letter No.B4/2874/2020, dated 09.05.2022 and quash the same insofar as the petitioner herein in Serial No.18 is concerned.

For Petitioner : Mr.Saravanan

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.R.Suresh Kumar
Additional Government Pleader

COMMON ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the respondents.

2.The writ petitioners were appointed as Cooks vide orders dated 17.02.2021 by the District Backward and Minorities Welfare Officer, Tenkasi. The petitioners had been working in that capacity ever since. While so, they were asked to present themselves in the Institute of Hotel Management



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Catering Technology and Applied Nutrition, Taramani, Chennai on 26.03.2022.

On the said date the petitioners were asked to show case their talents. The persons in-charge of the said Institute assessed the performance of the writ petitioners. The writ petitioners had scored the following marks:

GRADE – C (i.e. Marks scored from less than 15-24)			
Sl.No	District	Name of the Cook Tvl./Tmt.	Marks obtained Max.50
1	Tenkasi	S.INIGO	21
2		M.ANITHA	23
3		M.I.MAHALEKSHMI	21

3.While so, the impugned communication dated 09.05.2022 was issued by the Commissioner of Directorate of Backward Classes Welfare, Chepauk, Chennai directing the concerned District officers to remove the candidates who have scored between 15 to 24 marks if their educational certificates are not genuine. Questioning the same, these writ petitions have been filed.

4.The learned counsel appearing for the petitioners reiterated all the contentions set out in the affidavits filed in support of the writ petitions and called upon this Court to set aside the impugned orders and allow the writ petitions as prayed for.



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5.The respondents have filed counter affidavits and the learned Additional Advocate General took me through their contents. The learned Additional Advocate General would submit that the Government has received a large number of complaints in respect of the appointments made during the relevant time for the post of Cook. One of the allegations was that the selected candidates did not have proper experience at all. That is why, they were sent to the Institute of Hotel Management Catering Technology and Applied Nutrition, Taramani, Chennai for assessing their performance. Though as many as 300 appointees were sent for assessment, only 150 did not clear the threshold marks. Therefore, he submitted that there is no arbitrariness involved in the process. He pressed for dismissal of same.

6.I carefully considered the rival contentions and went through the materials on record. The question that calls for consideration is whether the respondents were justified in issuing the impugned communications on the strength of the performance on 26.03.2022 in Tharamani Institution. As rightly pointed out by the learned counsel appearing for the writ petitioners, once the petitioners have been appointed, it can be revisited only in the manner known to law. Their appointment orders do not contain any stipulation that it is contingent on the assessment to be made by the Tharamani Institute. The petitioners were not even put on notice that their fate will depend on their



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performance in Tharamani Institute. The petitioners were asked to go to the Institute and they had merely complied with the said direction. The impugned communications are patently lacking in jurisdiction. I therefore set aside the impugned orders. These writ petitions are allowed. There shall be no order as to costs in all the writ petitions. Consequently, all the connected miscellaneous petitions are closed.

24.11.2022

Index : Yes / No
Internet : Yes/ No
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To

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