



W.P(MD)No.16948 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P(MD)Nos.16948, 16957, 17561, 17562 &
17563 of 2022**

and

**W.M.P(MD)Nos.12350, 17408, 12356, 17410, 12785,
17412, 12787, 17397, 12789 & 17423 of 2022**

W.P(MD)No.16948 of 2022:

C.Muthu

... Petitioner

Vs

1.The Commissioner,
Adi-Dravidar and Tribal Welfare Department,
Chepauk,
Chennai – 5.

2.The District Collector,
Collectorate,
Tirunelveli District.

3.The District Adi-Dravidar and
Tribal Welfare Officer,
Adi-Dravidar and Tribal Welfare Officer,
Tirunelveli District.

4.Ve.Thiagarajan,
The District Adi-Dravidar and
Tribal Welfare Officer,
Adi-Dravidar and Tribal Welfare Officer,
Tirunelveli District.

... Respondents



W.P(MD)No.16948 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent pertaining to the proceedings bearing Na.Ka.No.A4/13433/2020 dated 08.07.2022 terminating the petitioner from the post of Cook at Government Adi Dravidar Welfare Boys Hostel, Manurr, Tirunelveli District and to quash the same and consequently direct the third respondent to reinstate the petitioner in service with all back wages with effect from 11.05.2022 in the nature and circumstances of the case, within a time frame that may be stipulated by this Court.

For Petitioner : Mrs.L.Victoria Gowri

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

W.P(MD)No.16957 of 2022:

B.Jeyakumar

... Petitioner

Vs

1.The Commissioner,
Adi-Dravidar and Tribal Welfare Department,
Chepauk,
Chennai – 5.

2.The District Collector,
Collectorate,
Tirunelveli District.



W.P(MD)No.16948 of 2022

3.The District Adi-Dravidar and
Tribal Welfare Officer,
Adi-Dravidar and Tribal Welfare Officer,
Tirunelveli District.

4.Ve.Thiagarajan,
The District Adi-Dravidar and
Tribal Welfare Officer,
Adi-Dravidar and Tribal Welfare Officer,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent pertaining to the proceedings bearing Na.Ka.No.A4/13433/2020 dated 08.07.2022 terminating the petitioner from the post of Cook at Government Adi Dravidar Welfare Boys Hostel, Melaelanthaikulam, Tirunelveli District and to quash the same and consequently direct the third respondent to reinstate the petitioner in service with all back wages with effect from 11.05.2022 in the nature and circumstances of the case, within a time frame that may be stipulated by this Court.

For Petitioner : Mrs.L.Victoria Gowri

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

W.P(MD)No.17561 of 2022:

J.Aruna

... Petitioner



W.P(MD)No.16948 of 2022

Vs

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The District Adi Dravidar and
Tribal Welfare Officer,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.A4/13433/2020, dated 08.07.2022 and quash the same, and consequently direct the second respondent to reinstate the petitioner in service.

For Petitioner : Mrs.M.Viji
for S.Deenadhayalan

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

W.P(MD)No.17562 of 2022:

Gomathi

... Petitioner

Vs



W.P(MD)No.16948 of 2022

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The District Adi Dravidar and
Tribal Welfare Officer,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.A4/13433/2020, dated 08.07.2022 and quash the same, and consequently direct the second respondent to reinstate the petitioner in service.

For Petitioner : Mrs.M.Viji
for S.Deenadhayalan

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

W.P(MD)No.17563 of 2022:

Arumugakani

... Petitioner

Vs

1.The District Collector,
Tenkasi District,
Tenkasi.



W.P(MD)No.16948 of 2022

2.The District Adi Dravidar and
Tribal Welfare Officer,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.A4/13433/2020, dated 08.07.2022 and quash the same, and consequently direct the second respondent to reinstate the petitioner in service.

For Petitioner : Mrs.M.Viji
for S.Deenadhayalan

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 petitioners and the learned Additional Advocate General assisted by the learned Additional Government Pleader for the respondents.

2. The writ petitioners were appointed as Cooks vide order dated 25.02.2021 by the District Adi Dravidar and Tribal Welfare Officer, Tirunelveli District. Their appointments were cancelled on 11.05.2022. Challenging the



W.P(MD)No.16948 of 2022

same, the petitioners filed writ petitions before this Court. On the ground that the principles of natural justice were not adhered to, cancellation orders were set aside. The matters were remanded to the file of the competent authority to pass order afresh after giving notice. Thereafter, notice was given and enquiry was held and the impugned orders were passed cancelling the appointments made on 25.02.2021. Challenging the same, the present writs petitions have been filed.

3. The only ground on which the impugned orders rest, is that the petitioners are overqualified. The learned Additional Advocate General would submit that as per the Special Rules, the Education qualification prescribed for the post of Cook is that candidate must be able to read and write Tamil language. A circular was issued by the Commissioner, Adi Dravidar Welfare, Chepauk, Chennai on 26.05.2020 mandating that the candidates upto 10th Standard fail alone can be selected. The learned Additional Advocate General would state that there is a larger public policy behind such stipulations. If higher qualified persons are allowed to compete for such lower level posts, then truly deserving candidates will be edged out.

4. Though the contention advanced by the learned Additional Advocate General appeals to me, I have to necessarily go by the letter of law. The



W.P(MD)No.16948 of 2022

relevant rules have prescribed only minimum educational qualification. There is no bar against those who are better qualified to take part in the recruitment process. The only ground on which the appointments of the petitioners had been set aside, is that they are overqualified. Such a ground has no basis in the relevant statutory provision.

5. That apart, as rightly pointed out by the learned counsel appearing for the petitioners, the petitioners cannot be faulted in any manner. The recruitment Rule does not have any restrictive stipulation as now contended by the respondents. The petitioners were appointed and they have been working in the said post for several months. To show them the door now is highly unfair and inequitable. I therefore hold that the ground on which the impugned orders have been passed is unsustainable. In that view of the matter, the orders impugned in these writ petitions are set aside. 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
mga



W.P(MD)No.16948 of 2022

To

- 1.The Commissioner,
Adi-Dravidar and Tribal Welfare Department,
Chepauk,
Chennai – 5.
- 2.The District Collector,
Collectorate,
Tirunelveli District.
- 3.The District Adi-Dravidar and
Tribal Welfare Officer,
Adi-Dravidar and Tribal Welfare Officer,
Tirunelveli District.
- 4.The District Collector,
Tenkasi District,
Tenkasi.



WEB COPY



W.P(MD)No.16948 of 2022

G.R.SWAMINATHAN, J.

mga

W.P(MD)Nos.16948, 16957, 17561, 17562 &
17563 of 2022
and
W.M.P(MD)Nos.12350, 17408, 12356, 17410, 12785,
17412, 12787, 17397, 12789 & 17423 of 2022

24.11.2022