



W.P.(MD).No.18203 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.18203 of 2022

and

W.M.P.(MD).Nos.13275, 13276 and 13277 of 2022

1.P.Manoj Prakash

2.V.Shanthi

3.K.Veerassamy

4.S.Kannan

5.K.Senthamilselvi

6.S.Indira

7.K.Ganesh Kumar

... Petitioners

Vs.

1.The Registrar of Co-operative Societies,
O/o. Registrar of Co-operative Societies,
No.170, N.V.Natarajan Maligai,
Periyar EVR Highway,
Kilpauk,
Chennai – 600 010.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.



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3.The Chairman / The Joint Registrar
of Co-operative societies,
District Recruitment Bureau of Co-operative Societies,
Ramanathapuram Region,
Ramanathapuram,
Ramanathapuram District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in his Advertisement No.02/2022 dated 17.06.2022 and quash the same as illegal and consequently to direct the respondents particularly the third respondent to publish list of selected candidates for appointment to the post of Assistant/Clerk in pursuant to the notification issued by the third respondent vide his proceedings Advertisement No.3/2020 dated 17.03.2020 and consequentially directing the respondents to appoint the petitioners as Assistant/Clerk in the Ramanathapuram District within the period that may be stipulated by this Court.

For Petitioners	: Mr.H.Mohammed Imran for M/s.Ajmal Associates
For R-1 and R-2	: Mr.P.Thilak Kumar, Government Pleader.
For R-3	: Mr.M.Ramesh, Government Advocate.



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ORDER

The notification issued by the third respondent herein, dated 17.03.2020, calling for applications for appointment to the post of Assistant / Clerk, came to be cancelled through the impugned order, dated 17.06.2022. The reason assigned in the impugned order is on administrative grounds.

2. The decision to fill up vacancies to any Government post through recruitment process is a policy decision of the concerned department of the Government. Likewise, to cancel such recruitment process will also be equally a policy decision of the Government. It is a settled proposition that the High Court exercising its powers under Article 226 of the Constitution of India will not interfere with such policy decisions.

3. The learned counsel for the petitioners attempted to submit that when the Government intends to cancel any recruitment process, the reasons for such cancellation requires to be expressed. In support of such a submission, the learned counsel placed reliance on a decision of the Hon'ble Supreme Court in the case of *East Coast Railway and another Vs. Mahadev Appa Rao and others, reported in (2010) 7 SCC 678*.



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4. The aforesaid decision of the Hon'ble Supreme Court arising from and out of the facts of that particular case may not be applicable to the instant case. In *East Coast Railway's* case (supra), the facts were that the department had conducted a selection process through written examination, whereby, one set of candidates, who were disqualified in the written examination, had given complaints alleging *mala fides* in the examination. Likewise, the other set of successful candidates had persuaded the department to proceed with the selection process. In the background of these two complaints, the department had chosen to cancel the recruitment process. When these aggrieved parties have approached the Courts, which ultimately left to a decision by the Hon'ble Supreme Court, it was held that these complaints require to be addressed and therefore, the reason ought to have been given. Such is not the facts involved in the present Writ Petition.

5. The impugned order is a cancellation simplicitor and when the Government, who is equally powered to take a decision to fill up the vacancies, is also empowered to cancel such recruitment process owing to administrative reasons. This Court does not intend to interfere with such policy decision and hence, I do not find any merits in the Writ Petition.



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6. This Writ Petition stands dismissed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.08.2022

Index : Yes / No
Internet : Yes/ No
Lm/Rmk

To

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M.S.RAMESH, J.

Lm/Rmk

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