



W.P.(MD)No.21053 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.21053 of 2015

K.Palanisamy

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The District Backward Classes and
Minorities Welfare Officer,
Collectorate,
Trichy.

3.The District Scheduled Castes and
Scheduled Tribes Welfare Officer,
Collectorate,
Trichy.

4.Assistant Director,
District Employment Office,
Mannarpuram,
Trichy.

5.P.Rajeshkumar

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the fifth respondent's appointment order issued by the third respondent in his proceedings in Na.Ka.No.W4/26369/2013-58 dated 18.09.2015 and quash the same as illegal, consequently directing the respondents 1 to 4 to appoint the petitioner in the post of Cook as per the proceedings of the third respondent in Na.Ka.No.W4/26369/2013 dated 31.07.2015 within the stipulated time as fixed by this Court.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.D.Gandhi Raj,
Special Government Pleader
for R1 to R4

ORDER

This Writ Petition has been filed praying for issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the fifth respondent's appointment order issued by the third respondent in his proceedings in Na.Ka.No.W4/26369/2013-58 dated 18.09.2015, quash the same as illegal and consequently direct the respondents 1 to 4 to appoint the petitioner in the post of Cook as per the proceedings of the third respondent in Na.Ka.No.W4/26369/2013 dated 31.07.2015 within the stipulated time



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as fixed by this Court.

2. The learned counsel appearing for the petitioner submits that the petitioner has studied upto eighth standard and he registered his name in the fourth respondent's employment Office. He was trained as a Cook in Private Canteen at Trichy District and he updated the same in Employment Exchange. As per G.O.Ms.No.106, dated 17.01.1986 and G.O.Ms.No.1962 dated 25.06.1971 and G.O.Ms.No.11 dated 20.01.2009, experience is necessary condition for appointment of Cook. The petitioner was called for interview through the letter of the third respondent in his proceedings in Na.Ka.No.W4/26369/2013 dated 31.07.2015. On 12.08.2015, the petitioner attended the interview with all his certificates. When he was expecting that he would be selected, the fifth respondent was selected. He has no qualification and experience. Hence, the present writ petition has been filed to quash the impugned order issued by the third respondent.



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3. In response, the learned Additional Government Pleader appearing for the respondents 1 to 4 submits that there were 60 vacancies for the post of cook, in which, 40 posts for men and 20 posts for women. A request was forwarded to the District Employment Office on 01.04.2015 and the list was received on 08.04.2015. Besides, the advertisements and the paper publication were given calling for applications for filling up the post of Cook. Totally, 1095 applications were received through Employment Exchange and the advertisements. The practical tests were conducted and the fifth respondent had better experience and he scored good marks than the petitioner in the practical tests. Thus, he was selected. Therefore, there is no merit in this writ petition.

4. This Court considered the rival submissions and perused the records.

5. It is not in dispute that the practical experience is required for the post of Cook. The petitioner and the fifth respondent had participated in



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the practical tests and the interview. It is seen from the submission of the learned Additional Government Pleader appearing for the respondents 1 to 4 that the fifth respondent had five years experience whereas the petitioner had only two years experience in cooking. The fifth respondent had scored good marks than the petitioner in the practical tests. It appears that all the Rules and procedures have been followed while selecting the fifth respondent. Therefore, this Court finds no material or reason to interfere with the selection of the fifth respondent. Accordingly, this Writ Petition is dismissed. No costs.

01.09.2022

Index : Yes / No
Speaking Order : Yes / No
ssb

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