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W.P.No.8673, etc., of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.Nos.8673, 8674, 8675 & 8677 of 2011

Iyyammal	... Petitioner in W.P.No.8673 of 2011
A.Dhanalakshmi	... Petitioner in W.P.No.8674 of 2011
Tamilselvi	... Petitioner in W.P.No.8675 of 2011
Kalavathi	... Petitioner in W.P.No.8677 of 2011

vs.

1.The Secretary to Government,
Adi-Dravidar and Tribunal Welfare Department,
Fort St.George, Chennai – 600 009.

2.The Commissioner of Adi-Dravidar Welfare,
Chepauk, Chennai – 600 005.

3.The District Adi Dravida Welfare Officer,
Perambalur.

4.K.Amutha ... Respondents in all W.Ps.

COMMON PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in his proceedings dated 21.02.2011



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bearing No.Na,Ka.11.17312/2011 and quash the same and direct the respondents to appoint the petitioner in anyone of the vacancies in the post of Cook in Adi-Dravida Welfare Students Hostel, Perambalur District and pass such other orders.

In both the W.Ps.

For Petitioner : Mr.M.Raja
for Mr.P.Arumugarajan

For RR1 to 3 : Mr.R.Neethi Perumal
Government Advocate

For R4 : Ms.M.Kaviya
for Mr.S.Nedunchezhiyan

COMMON ORDER

The challenge in these Writ Petitions is with regard to the appointment of the 4th respondent as a Cook and subsequently, appoint the petitioners in any one of the vacancies in the post of Cook in the Adi Dravida Welfare Students Hostel at Perambalur District.

2. Heard Mr.M.Raja, learned counsel for Mr.P.Arumugarajan, learned counsel for the petitioner, Mr.R.Neethi Perumal, learned counsel appearing on behalf of the respondents 1 to 3 and Ms.M.Kaviya, learned counsel for Mr.S.Nedunchezhiyan, learned counsel appearing on behalf of



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the 4th respondent.

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3. The case of the petitioners is that the petitioners are all registered themselves in the Office of the District Employment Exchange and their names have not been sponsored. The 3rd respondent herein had called for a list of eligible candidates from the District Employment Officer and the District Employment Officer had sponsored their names and they were also called to attend the interview. They would submit that even though they were fully qualified, the juniors in the Employment Exchange and persons without cooking experience had been appointed under the impugned order. Therefore they had challenged the same in this Writ Petition.

4. Mr.M.Raja, learned counsel for the petitioners further relied upon the judgment rendered by this Court in ***W.P.No.16238 of 2001*** dated 21.09.2001, to contend that the respondents therein who are also the respondents herein have been directed to consider the case of the petitioner therein as per the seniority on the role of the Employment Exchange. He would submit that they had in violation of the aforesaid order had made the



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appointment. Therefore, he would seek to quash the order of appointment of 4th respondent and direct them to appoint the petitioners in any one of the post.

5. Countering the arguments of the learned counsel for the petitioner, Mr.R.Neethi Perumal, learned Government Advocate appearing on behalf of the respondents 1 to 3 would submit that the seniority in the Employment Office, simpliciter does not entitle a person to be appointed. A list of persons as per the seniority was called for from the Employment Exchange Office and all the candidates who were nominated by the Employment Exchange were issued with a call letter calling upon them to attend an interview along with various documents including the experience in cooking. Based upon their performance in the interview and based upon the satisfaction of the certificates that had been produced by the concerned candidates, the candidates were selected. Therefore, he would submit that the contention that only as per the seniority of the Employment Exchange, employment should be given is wholly misplaced. Further, based upon the performance of the candidates in the interview they were evaluated and appointments have been made. The petitioners had not made any specific allegation that the 4th respondent herein has not produced such certificate.



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Therefore, he would submit that there is no merits in the Writ Petition and prayed for dismissal of this Writ Petition.

6. Ms.M.Kaviya, learned counsel appearing on behalf of the 4th respondent would submit that she had all necessary qualification for being appointed as a Cook. She would further submit that the 4th respondent had also submitted her experience certificate as required by the respondents, only on consideration of the same, she had been appointed.

7. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record before this Court.

8. It is an admitted case that the list of candidates were sponsored by the Employment Exchange pursuant to the request made by the respondents and the respondents had also conducted interview on 18.02.2011. The reliance placed upon by the learned counsel for the petitioner on the judgment of the learned Single Judge of this Court, in my considered



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opinion is wholly misplaced. The learned Judge had only directed the respondents to consider the case of the petitioner therein as per the seniority in the Employment Exchange subject to their qualification and entitlement as undertaken by the respondents. The said judgment had not directed anything to be made based only on the seniority of the Employment Exchange. Further, as rightly pointed out by the learned Government Advocate, the selection had been made pursuant to the interview. There is no averment attacking the process of interview or not even any statement as to that the interview was a farce is made.

9. In such view of the matter, I do not find any merits in this Writ Petition and same is accordingly, dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01.12.2023

gba

Index : Yes/No
Speaking order : Yes/No
Neutral Citation : Yes/ No



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To

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K.KUMARESH BABU, J.

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