





4.The Head Master,
Ambur Co-operative Sugar Mills Higher Secondary School,
Vadapudupet, Ambur Taluk,
Tirupattur District - 635 812. ...

Respondents
[in both W.Ps]

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the first respondent to issue instructions to the respondents 2 to 4 to select and appoint the petitioners as Night Watchman and Record Clerk on a permanent basis in the Ambur Co-operative Sugar Mills Higher Secondary School situated at Vadapudupet, Ambur Taluk, Thirupattur District, based on the Certificate issued by the fourth respondent dated 21.10.2020 respectively.

For Petitioner [in both W.Ps]	: Mrs.Nalini Chidambaram Senior Counsel for M/s.C.Uma
For Respondent Nos.1 & 2 [in both W.Ps]	: No Appearance
For Respondent No.3 [in both W.Ps]	: Mr.T.Chezhiyan Additional Government Pleader

COMMON ORDER

The petitioners had filed these petitions seeking for a writ of mandamus, directing the first respondent to issue instructions to the respondents 2 to 4 to select and appoint the petitioners as Night Watchman and Record Clerk on a permanent basis in the Ambur Co-operative Sugar Mills Higher Secondary School situated at Vadapudupet, Ambur Taluk,



Thirupattur District, based on the Certificate issued by the fourth respondent dated 21.10.2020 respectively.

2. Heard the learned Senior Counsel for the petitioners and the learned Additional Government Pleader for the third respondent and perused the materials available on record.

3. The petitioner in W.P.No.13793 of 2021 has been working as a Night Watchman from the year 2010 and the petitioner in W.P.No.13755 of 2021 has been working as Record Clerk from the year 2014 in the fourth respondent Ambur Co-operative Sugar Mills Higher Secondary School, Vadapudupet, Ambur Taluk, Thirupattur District.

4. The grievance of the petitioners is that, the School has declared the selection process for recruiting the Record Clerk, Office Assistant and Night Watchman by giving an advertisement in Dinamalar Newspaper on 15.10.2020. The petitioners have applied for the posts of Night Watchman and Record Clerk and they got their call letters for the interview issued on 24.02.2021. Subsequently, the selection process was stopped by citing the



Model Code of Conduct in view of the ensuing Assembly Election.

Thereafter, the selection process has not been restored and hence, the petitioners were forced to file Writ Petition in W.P.No.6545 of 2021 and in which the following order has been passed:-

“5. In any event, the interest of the petitioner has to be protected for the present. As the Petitioner is already said to be working on a temporary basis, this Court orders that, the present status shall continue till regular selection takes place. It is made clear that, if the Petitioner is selected to the post of Night Watchman and Record Clerk based on the interview, he can be appointed on a permanent basis.”

5. Despite the order has been passed on 15.03.2021, the interview has not yet been conducted till now.

6. The learned Additional Government Pleader appearing for the third respondent submitted that the Mill itself is closed and unless the Special Officer is appointed for the Mill, the interview for any appointment in the School can not be continued.



7. This Court is not able to countenance such a submission made by the learned Additional Government Pleader for the third respondent.

8. So far as the *Ambur Co-operative Sugar Mills Higher Secondary School* is concerned, it is an aided School and the recognition of the School is still in force. Ambur Co-operative Sugar Mills was functioning in which lot of employees were working and some interested persons would have started a School. So irrespective of the fact whether the Special Officer has been appointed to the Mill or not, the Management of the School has to be continued with the available officers whoever evinces interest.

9. The Registrar of Co-operative Societies (1st respondent) or the Headmaster of Ambur Co-operative Sugar Mills Higher Secondary School (4th respondent) can address the appropriate authority to notify a person competent enough to conduct an interview for the purpose of recruitment on behalf of the School Management. Since the School is an aided School probably the appointments can be made by the School Management itself provided the post for which the recruitment is done is a sanctioned post and the sanction for the said post continues as on today.



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10. The respondents did not putforth any argument by stating that the posts for which the selection process has been initiated were not sanctioned posts. So it can be reliably presumed that those posts for which the selection process has been initiated, are sanctioned posts only. Just because the process has been stopped by citing the Model Code of conduct, the appointments can not be stopped indefinitely.

11. So far as the petitioners are concerned, in view of their long services in the 4th respondent, they hope that they have bright opportunity to get an appointment once the interview is resumed.

12. It is learnt that the second respondent, who is the President of Ambur Co-operative Sugar Mills Higher Secondary School, has issued the earlier notification and the call letters for the interview of the petitioners. In such case, there cannot be any difficulty for the second respondent to resume the selection process by continuing the interview. Just because an earlier Writ Petition has been filed to maintain *status quo* till regular selection process takes place, the respondents 2 and 3 cannot be indifferent and postpone the selection process to the extent possible.



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13. In view of the above stated reasons, the second respondent is directed to resume the selection process by conducting the enquiry and select suitable persons, by giving opportunity to the petitioners also to participate in the selection process and select appropriate candidates and thereafter, send those list for getting approval of the Government, within a period of six (6) weeks from the date of receipt of a copy of this order.

14. With these observations, these Writ Petitions are disposed of.
No costs. Consequently, connected Miscellaneous Petitions are closed.

16.10.2023

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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To

1.The Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
Poonamallee High Road,
Kilpauk, Chennai - 600 010.

2.The President,

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Ambur Co-operative Sugar Mills Higher Secondary School,
Vadapudupet, Ambur Taluk,
Tirupattur District - 635 812.

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3.The Secretary,
Ambur Co-operative Sugar Mills Higher Secondary School,
Vadapudupet, Ambur Taluk,
Tirupattur District - 635 812.



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W.P.Nos.13793 & 13755 of 2021
& W.M.P.Nos.14596 & 14640 of 2021



R.N.MANJULA, J.

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W.P.Nos.13793 & 13755 of 2021
& W.M.P.Nos.14596 & 14640 of 2021

16.10.2023