



W.P.No.22542 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.22542 of 2017

and

W.M.P.Nos.23671 and 23672 of 2017

Tmt.B.Suguna

...Petitioner

-Vs-

- 1 The District Collector
Nagapattinam District, Nagapattinam.
- 2 Tmt.T.Udayanila
- 3 Assistant Planning Officer
District Rural Development Office
Nagapattinam District.
- 4 Block Development officer
Thalaignanairu Nagapattinam District.
- 5 Assistant Primary Educational Officer,
Thalaignanairu, Nagapattinam, District.

...Respondent

*(R3 TO R5 IMPEADED VIDE ORDER DT.05.01.2023 MADE IN
WMP.35450/2017 IN WP. 22542/2017 BY ASMJ)*



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Prayer:- Writ petition filed under Article 226 of the Constitution of India to call for the records of the 1st respondent in his proceedings in Na.Ka.No.487/Sa.U.Thi/2016 and quash the order dated 22.05.2017 and directing the 1st respondent to appoint the petitioner in the post of Noon Meal Programmer vacant in Government Aided Primary School Vellapallam , Thiruvalluvar, Nagapattinam District.

For Petitioner : Mr.P.Sathiskumar for Mr.M.R.Kuyilan

For Respondent : Mr.T.Arunkumar AGP [R.1, R.3 to R.5]

: Mr.S.Arivazhagan [R.2]

ORDER

The writ petition is filed challenging the order dated 22.05.2017 appointing the 2nd respondent as Noon Meal Programmer in Government Aided Primary School, Vellapallam, Thiruvalluvar, Nagapattinam District.

2. The petitioner states that pursuant to the notification issued by the 1st respondent, she had participated in the process of selection for appointment to the post of Noon Meal Programmer. The petitioner is fully qualified and submitted all relevant documents before the Interview Committee.



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3. The interview was conducted on 23.02.2017. However, the petitioner was not selected and the 2nd respondent was selected and appointed as Noon Meal Programmer. Thus, the petitioner is constrained to move the present writ petition.

4. The learned counsel for the petitioner states that the petitioner is residing within the radius of 3 kilometers and satisfies all other conditions stipulated in the Government Order for selection and appointment. While so, the 2nd respondent was appointed in an irregular manner.

5. The learned Additional Government Pleader raised an objection by stating that both the petitioner and the 2nd respondent are residing within the radius of 3 kilometers.

6. The learned Additional Government Pleader made a submission that the 2nd respondent was selected and appointed based on the assessment made by the Interview Committee, more specifically, on the basis of oral assessment. However, the respondents are unable to dispute the fact that no marks were awarded while assessing the candidates with



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reference to the criteria fixed by the Government in its order. The Interview Committee has to assess the candidates with reference to the criteria fixed in the Government Order for the purpose of selection.

7. Based on the submission made by the learned Additional Government Pleader that no marks were awarded to the candidates and therefore, this Court is of the considered opinion that the selection is improper and there is a scope for favoritism and nepotism in such circumstances. The issue in this regard was elaborately considered by this Court in the case of ***S.Baby Vs. District Collector Cuddalore District and Ors reported in Manu/TN/8594/2022.***

8. In view of the fact that the merit assessment was not made properly by the Interview Committee and no marks were awarded to the individual candidates, the selection becomes improper and therefore, the writ petition is to be considered. Accordingly, the appointment order passed by the 1st respondent, appointing the 2nd respondent as Noon Meal Programmer in Na.Ka.No.487/Sa.U.Thi/2016 dated 22.05.2017 is quashed.



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9. The 1st respondent is directed to issue a fresh notification inviting applications from all the eligible candidates including the petitioner and the 2nd respondent if they are otherwise eligible and accordingly conduct the selection process by following the procedures as contemplated under the guidelines issued by the Government.

10. Accordingly, the writ petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

27.03.2023

(shr)

Index : Yes/No

Speaking / Non Speaking Order

Neutral Citation : Yes/No

To

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S.M.SUBRAMANIAM. J.,

(shr)

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