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Writ Appeal Nos.617 and 618 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.07.2023

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

Writ Appeal Nos.617 and 618 of 2011
and M.P.Nos.1 of 2011 and 1 of 2012

P.Vadivel ... Appellant/ Petitioner in both W.As.

Vs

1. Food Corporation of India,
rep. By Managing Director,
16-20, Barakhamba Lane,
New Delhi – 110 001.

2. The Executive Director (Personnel)
Food Corporation of India,
16-20, Barakhamba Lane,
New Delhi- 110 001.

3. Tulsidass

4. Patcha Siddaiah

5. M.Jagadeesan

... Respondents in both W.As.

PRAYER: Writ Appeals filed under Clause 15 of Letters Patent to set aside the order dated 27.01.2009 made in W.P.Nos.15354 and 15355 of 1994 of 2008 respectively and allow these writ appeals.

For Appellant : Mr.A.Jenasenan
[in both W.As.]



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For Respondent : Mr.C.K.Chandrasekaran [R1 & R2]
[in both W.As.]

No appearance [R3 to R5]

COMMON JUDGMENT

(Judgement of the Court was made by Mr.R.SURESH KUMAR.,J.)

These appeals have been directed against the order passed by the Writ Court dated 27.01.2009 made in W.P.Nos.15354 and 15355 of 1994 of 2008.

2. The appellant was selected and appointed as Assistant Grade - III at the respondent Corporation in the year 1976. Thereafter, he was given promotion as Assistant Grade - II in the year 1983. In that capacity, when he was working, a notification was issued by the respondent Food Corporation of India for appointment by way of special drive for recruitment of SC and ST candidates under various sectors, one such post was ear marked under the notification dated 10.08.1992 is Deputy Manager (General Administration). For that post, there were 13 vacancies, out of which, 9 posts were reserved for Scheduled Caste candidates and 4 posts were reserved for Scheduled Tribe candidate. The qualification prescribed in the notification is, the candidate must be a



graduate and Diploma in Business Management with five years experience in Food and Allied Field and the maximum age is 35 years.

3. According to the appellant, he was eligible to apply for the post, therefore, he applied. The method of selection is only by way of conducting an interview and the appellant was also gone for interview, which was conducted on 25.01.1994. After completing the process of selection, selection has been made, where the appellant has not been selected. Therefore, challenging the non-selection of the appellant, who approached the Writ Court and filed two writ petitions viz., W.P.Nos. 15354 and 15355 of 1994. The first writ petition is for the prayer of writ of declaration to declare the proceedings of the Executive Director (Personnel), Food Corporation of India, New Delhi, i.e., the second respondent therein as illegal and arbitrary and the prayer in the second writ petition is for a writ of mandamus directing the respondents 1 and 2 therein to appoint the petitioner to one of the posts of Deputy Manager (General Administration) notified in the advertisement made by the second respondent dated 10.08.1982.

4. Both the writ petitions were heard together and the Writ Court



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by order dated 27.01.2009, by its exhaustive judgment has rejected both the writ petitions. Aggrieved over the same, the present writ appeals have been filed.

5. Assailing the said order passed by the Writ Court, Mr.A.Jenasenan, learned counsel appearing for the appellant would submit that the appellant was fully eligible to hold the post of Deputy Manager (General Administration) and he belonged to SC community he was fully eligible to be considered for such appointment and according to him, the appellant has performed well in the interview conducted. When that being so, the non-selection of the appellant by the respondent Corporation is without any plausible reason.

6. He was further stated that insofar as his qualification is concerned, he is not only fully qualified to hold the post but he is having the over qualification. Therefore, according to him comparing with any other candidate, who have come before the interview board and who had been selected ultimately, merit as well as the performance in the interview of the appellant is comparatively high. Therefore, at any cost he should have been selected.



7. When this point had been raised before the learned Judge, who has considered these aspects at length and passed a very detailed order, which is impugned herein.

8. We have gone through the import of the said order and the reasoning given by the learned Judge in reaching the conclusion that in making the said selection by rejecting the candidature of the appellant, there has been no bias, prejudice and *mala-fide* on the part of the respondent Department.

9. The learned Judge in paragraph 88(ix) has stated the following:

“88....

(ix) In the absence of proof of allegations of bias, mala fide, favouritism and nepotism in the selection, Court cannot interfere with the assessment of a duly constituted selection committee, consisting of experts of high status. It is also well settled that whenever allegations of mala fide are levelled, specific instances have to be quoted and the person against whom the allegations are levelled should be arrayed as party respondents to the proceedings to rebut such allegations of malafide.”

10. Therefore, whatever the allegations that has been made or



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ground that has been urged by the appellant, who stood as a petitioner before the Writ Court having been considered a complete answer has been given by the learned Judge and thereby, he has rejected those writ petitions, therefore, we do not find any reason to interfere with the said judgment. Accordingly, these writ appeals fail, hence, it is dismissed. No costs. Connected miscellaneous petitions are closed.

(R.S.K.,J.) (K.B., J.)
07.07.2023

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

mp

To

- 1.The Managing Director
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