



W.A.(MD)No.1079 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD)No.1079 of 2012

and

M.P(MD).No.1 of 2012

- 1.N.Veeraswamy
- 2.D.Chandrasekaran
- 3.V.Nagarajan
- 4.S.Dhanapal
- 5.Subbaiyan
- 6.P.Subramaniam
- 7.R.Ayemanickam
- 8.A.Kannan
- 9.K.Selvamani

... Appellants/ Petitioners

Vs.

- 1.The Secretary to Government,
School Education (P2) Department,
Fort St. George, Chennai-9.
- 2.The Director of School Education,
College Road,
Chennai-6.
- 3.The Chief Educational Officer,
Panagal Building,
Thanjavur-613 001.



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4.The Chief Educational Officer,
Sarva Shiksha Abhiyan,
Member Secretary,
Panagal Building,
Thanjavur-613 001.

5.The District Elementary Educational Officer,
Thanjavur District,
Thanjavur.

...Respondents/
Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, to set aside the order passed by the learned Single Judge in W.P(MD)No.585 of 2012 dated 25.09.2012.

For Appellant : Mr.T.Ayngaraprabhu
For Respondent : Mr.N.Ramesh Arumugam
Government Advocate

J U D G M E N T

(Judgment of the Court was made by ***R.SURESH KUMAR, J.***)

The appellants are the petitioners before the Writ Court. They filed a writ petition in W.P(MD)No.585 of 2012 seeking for a writ of mandamus to direct the respondents therein to consider the claim of the petitioners for appointment to the post of part time Teachers/Vocational Instructor (Horticulture) and select and appoint them as part time Teachers/



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Vocational Instructors in the Horticulture subject, based on the educational qualification.

2.The said writ petition was dismissed by the learned Judge, by its order dated 25.09.2012, which is impugned in this writ appeal.

3.Heard Mr.T.Ayngaraprabhu, learned counsel appearing for the appellants and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents.

4.It is the case of the appellants that they are having necessary qualifications to hold the post of part time Teachers or Instructors in Horticulture subject, for which, in order to appoint 16,549 posts of Instructors in Government Schools from those who are possessing qualification of SSLC with technical qualification ie., Degree/Diploma/Technical Teachers Certificate, the Government has issued G.O.Ms.No.177, School Education (C2) Department, dated 11.11.2011.



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5.Pursuant to the said Government Order, steps were taken to fill-up the posts for which, the petitioners also had applied and they have been called for an interview, of-course on the basis of the interim direction.

6.Subsequently, having not been selected despite the best qualification, the claim to have the petitioners filed W.P(MD)No.585 of 2012 for issuance of a mandamus to give a direction to the respondents to select them and also appoint them as Instructors/part time Teachers in Horticulture subject. Having considered the same, the learned Judge found that insofar as consideration of the petitioners' candidature for the purpose of selection, it is found that the same has been complied by the respondents, of-course on the direction issued by this Court and the petitioners have admittedly attended the interview. Insofar as the selection and appointment of them is concerned, the stand taken by the respondents before the writ Court was that these petitioners have not reached the zone of consideration on merits, therefore, they have not been selected. This stand taken by the respondents before the writ Court having been considered was accepted by the learned Judge, who dismissed the said writ petition, by order dated 25.09.2012.



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7. We have gone through the said order passed by the learned Judge, which is impugned herein, and found it to be wholly right. Insofar as the selection is concerned, since it has to be made based on *inter se* merit among the applicants, it is for the Selection Committee or the authorities concerned to decide the merits of the candidates, when that being so, no mandamus can be issued randomly to the Selection Authority to select particular candidate or some of the candidates for the purpose of recruitment for which the said selection process was undertaken. Therefore, the learned Single Judge has rightly held that the second part of the prayer in the writ petition is misconceived and accordingly, the same stands dismissed. In the considered opinion of this Court, the said order does not warrant any interference and therefore, this writ appeal fails and hence, the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) & (K.K.R.K, J.)
08.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.K.RAMAKRISHNAN, J.

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To

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