



W.A(MD)No.815 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.03.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.A(MD)No.815 of 2012
and
M.P(MD)No.1 of 2012**

M.Sakunthala

.. Appellant/Writ Petitioner

Vs.

1.The Director,
Directorate of Higher School Education,
College Road,
Chennai-6.

2.The District Educational Officer,
Madurai.

3.The Secretary/Correspondent,
M.A.N.U.Girls Hr.Sec. School,
Keerathurai,
Madurai.

4.Headmistress,
M.A.N.U.Girls Hr.Sec. School,
Keerathurai,
Madurai.



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5.C.Sharmilee

6.M.Mohanasundari

.. Respondents/
Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent Act, against the order, dated 16.08.2012, made in W.P(MD)No.1804 of 2011.

For Appellant : No appearance

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader
for R1 & R2

: Mr.N.Sathish Babu
for R3

: No appearance for R4 to R6

JUDGMENT

R.SURESH KUMAR, J.
and
K.K.RAMAKRISHNAN, J.

This intra-court appeal has been directed against the order passed by the learned Judge exercising the power under Article 226 of the Constitution of India made in W.P(MD)No.1804 of 2011 dated 16.08.2012.



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2. The appellant is the writ petitioner before the writ court. Her case was that she was appointed at the 3rd respondent school as part time Librarian on 04.03.1993 with a consolidated pay of Rs.90/- per month. The said appointment was also approved on 07.09.1993 and the appellant's pay was enhanced from Rs.90/- to Rs.110/-.

3. It is a further case of the appellant before the writ court that though she was appointed only as a part time Librarian, she was given work of communicating with the department regarding the books, scholarship of the students of the school etc., therefore, it is like a full time job.

4. It is a further case of the appellant that she completed Post Graduate Diploma in Computer Application.

5. When that being so, the State Government through their respective authorities granted permission to the 3rd respondent institute to fill up the sanctioned vacancies in non-teaching post in the school. One of such post is Lab Assistant and another post is Record clerk.



6. In order to fill up these posts, the 3rd respondent called for applications from open market pursuant to which deserving candidates made applications including the appellant.

7. By way of process of selection, interview was conducted by the Selection Committee where, the appellant also participated. Ultimately, the 5th and 6th respondents were selected by the Selection Committee at the interview based on which the 3rd respondent appointed the 5th and 6th respondents for the said post of Lab Assistant and Record Clerk. Aggrieved over the same, the appellant writ petitioner filed the said writ petition which was considered and rejected by the learned Judge through the impugned order.

8. We have heard the learned counsel appearing for the respondents, however there is no representation for the appellant side.

9. We have also gone through the reasoning given by the learned Judge, who rejected the writ petition filed by the appellant herein.



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10. Two grounds seem to have been taken by the appellant/writ petitioner before the writ Court. The first one was that the appellant should have been considered for the post of Record Clerk or Lab Assistant taking into account of the experience and unblemished record of service with the 4th respondent. This was rejected by the learned Judge as it is totally misconceived. Second is that the appointment given to the 5th and 6th respondents is bad in law and the 4th respondent has exercised the power arbitrarily in appointing the 5th and 6th respondents. This ground raised by the appellant in the writ Court was also rejected by the learned Judge on the ground that absolutely there was no material to make such an allegation against the 4th respondent in selecting or appointing the 5th and 6th respondents.

11. Insofar as these grounds are concerned, raised by the appellant before the writ Court, it is to be noted that the post concerned are sanctioned post and it has to be filled up only by the method of selection for which the school management invited applications from open market and all eligible persons seem to have applied and it was not questioned by the appellant as she also made an application and during the selection



process, she also attended the interview before the interviewing committee and based on the performance in the interview, the selection committee had rejected the candidature of the appellant and selected the 5th and 6th respondents based on which the appointments were given to them.

12. These two posts for which no promotion was given and if at all if it is a post to be given for promotion from the feeder category, these kind of grounds can be taken saying that the appellant was senior and she has having long experience in the institution itself and therefore, she must be considered for a promotion to the post of Lab Assistant or Record Clerk.

13. However, it is a selection based on which selection process went on and having accepted the selection process and since the appellant participated the selection process and merely because she failed in the selection process, she cannot turn around and say that the process itself is wrong . Therefore, we do not find any infirmity in the impugned order rejecting the prayer sought for the by the appellant in the writ



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Court and hence the order impugned does not warrant interference.

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14. In the result, this writ appeal deserves to be failed and hence dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.K.,J.] & [K.K.R.K.,J.]

07.03.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes/No
PJL

To
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