



W.P.(MD)No.10151 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.10151 of 2020

and

W.M.P(MD) Nos.9033, 9044 & 9045 of 2020

P.Meena

: Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by its Secretary to Government,
Social Welfare and Nutritious Meal Programme Department,
Secretariat, St.George Fort,
Chennai.
- 2.The Secretary to Government
Backward Classes, Most Backward Classes and
Minorities Welfare Department,
Secretariat,
Chennai.
- 3.The Director of Backward Classes Welfare,
Kamarajar Salai,
Ezhilagam,
Chepauk,
Chennai.



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4.The District Collector
Virudhunagar District,
Virudhunagar.

5.The Child Development Project Officer,
Rajapalayam,
Virudhunagar District.

6.The District Backward Class and Minority Welfare Officer,
Virudhunagar District,
Virudhunagar.

7.S.Jeyaganesan

8.S.Sridhar

9.G.Rajasekaran

10.S.Saravanakumar

11.R.Radhakrishnan

12.C.Manikandan

13.K.Ganeshkumar

14.M.Vijayasekar

15.R.Ganesan

16.M.Balasubramani

17.B.Karuppan

18.P.Radhakrishnan



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19.S.Kondammal

20.M.Thamilarasi

21.R.Gurulakshmi

22.S.Kayathri

23.N.Sarmila

24.A.Nivetha

25.G.Vallimayil

26.M.Rakkachiammal

27.V.Sangilimmal

: Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to impugned order passed by the sixth respondent in his proceedings in Na.Ka.No. 4/10552/2020 dated 19.06.2020 and quash the same as illegal and consequentially to direct the respondents to issue public notification notifying the vacancies and communal roster for recruitment to the post of Cook and proceed with the recruitment process of Cook in conformity with Article 14 and 16 of the Constitution of India.



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For Petitioner : Mr.H.Mohamed Imran,
for M/s.Ajmal Associates

For Respondents : Mrs.K.Christy Theboral - for R1 to R6
Additional Government Pleader

Mr.M.Thirunavukkarasu - for RR7, 8, 10 to 27

Mr.R.Shankar Ganesh - for R9

ORDER

This writ petition has been filed to quash the impugned order passed by the sixth respondent in his proceedings in Na.Ka.No. 4/10552/2020 dated 19.06.2020 and consequently to direct the respondents to issue public notification notifying the vacancies and communal roster for recruitment to the post of Cook and proceed with the recruitment process of Cook in conformity with Article 14 and 16 of the Constitution of India.

2. The learned counsel appearing for the petitioner submitted that the petitioner is a destitute widow, having two children. There are hostels



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run by the fifth respondent in Virudhunagar District and some posts of Cook are available as vacant in those hostels. A news item was published in Daily Dhanthi, dated 23.08.2019, calling for applications for the post of 12 male Cooks and 9 female Cooks which are vacant in the hostels run by the fifth respondent and the candidates who wish to be considered for the said post are requested to apply and therefore, the petitioner as a woman candidate wants to participate in the selection process and hence, she made an application. Pursuant to her application, a call letter, dated 03.02.2020 was issued requesting him to appear for an interview scheduled to be held on 11.02.2020 and she has also directed to produce some certificates including the priority certificate to be obtained from the competent authority. Accordingly, the petitioner appeared for an interview which was held on 14.02.2020 and her certificates were also verified and no question was posed on her during the course of interview, however, the sixth respondent issued the impugned appointment order to the private respondents. Challenging the said appointment, the present writ petition is filed.



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3. The learned counsel for the petitioner further submitted that the petitioner belongs to Most Backward Class Community and she made application for the post of Cook, totally 9 posts were available, however, the petitioner being a destitute widow, annexed the destitute widow certificate. Without considering the petitioner's candidature on priority basis, the authorities have rejected the petitioner's candidature, which is not sustainable one and further, the respondents have not followed the Rule of reservation and without conducting any proper selection process, mechanically had selected the candidates, which contrary to G.O(Ms)No. 130 (BC and MBC and Minorities Welfare), dated 07.11.2012. Accordingly, he prayed for allowing the writ petition.

4. Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 6 submitted that the selection process was conducted in strict compliance of G.O(Ms)No.130 (BC and MBC and Minorities Welfare) dated 07.11.2012. Totally, 21 posts were filled up by following the communal roster. For the purpose of selection, the Director of BC Welfare was nominated as President, the Director for MBC was



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nominated as a Member and the third respondent is nominated as a Member and Convener. The selection Committee received 717 applications through direct, 101 applications from Employment Exchange, thereby, totally 818 applications were taken up for consideration. The interview was conducted in between 11.02.2020 and 14.02.2020 and the same was finalized the selection and communicated on 12.06.2020 and recommended for issuing appointment orders to the successful candidate. The petitioner applied for the post under the category of destitute widow is also self contradictory. Moreover, the selection was made in 3 criteria including reading and writing of local Tamil language and Cooking skill and physical fitness which was most essential for the post of Cook and the alleged selection process for the post of Cook is very reasonable and justifiab. Hence, the petitioner don't have any right to challenge the appointment after consciously participating in the selection process by accepting the selection process, that too, after becoming unsuccessful. Hence, she prayed for dismissal of the writ petition.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts in the present case are not in dispute. Admittedly, the petitioner had participated in the selection process for the post of Cook and further, it is also an admitted fact that there were 9 posts available. The selected candidates in the reservation is as follows :

சனாபவர (பெண்) - 9 பணிபிடிப்புகள்

வ.எண்	இனசுழற்சி பதிவேடு		அதிக மதிப்பெண் பெற்று தேர்வு செய்ய பரிந்துரை செய்யப்பட்ட பணிநாடுகள்	
	பதிவேடு வ.எண்	இனசுழற்சி	பெயர்	இனம்
1	11	GT(NP)	S.கொண்டம்மாள்	BC
2	19	GT(NP)	M.துமிழ்செல்வி	SC
3	14	BC(NP)	R.குருசெட்குமி	BC
4	18	BC(NP)	ச.காயத்ரி	BC
5	15	BCM(P)	N.சர்மிளா	BCM(DAP)
6	13	MBC&DNC(NP)	A.நிவேதா	DNC(DAP)
7	17	MBC&DNC(NP)	R.வள்ளிமயில்	DNC
8	16	SC(NP)	S.ராக்காச்சியம்மாள்	SCA
9	12	SC(NP)(DW)	V.சங்கிலியம்மாள்	SC(DW)
10		மொத்தம்		



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7. Admittedly, the petitioner belongs to MBC category and she had participated in the selection process in the priority category, whereas, on a perusal of the selection to the post of Cook and reservation chart of the selected posts reveal that there are non-priority candidates i.e., two candidates and non-priority candidate for general turn two candidates and BC category two candidates BCM is priority candidate whereas, in respect of MBC two posts was notified MBC(DNC) and non-priority category. Since the two posts categorized as non priority category, whereas, the petitioner claims priority category and in which the candidates were selected and grievance expressed by the petitioner is that her candidature was not considered and without posting her. Once the selection process is over and the selected candidates joined duty, unless the petitioner establishes before this Court that the selection process is contrary to G.O.(Ms)No.130, dated 07.11.2012, the writ petition is not maintainable. However, in the present case all the selected candidates have joined in the post and since the petitioner participated in the non priority category, whereas the claim of the petitioner is in priority category for destitute widow, is not sustainable one. Hence, the prayer sought for in this writ petition cannot be granted.



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8. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to participate in the next selection process. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Speaking Order : Yes / No
NCC : Yes / No
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M.DHANDAPANI,J.

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