



W.P(MD)No.20572 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20572 of 2021

and

W.M.P(MD)Nos.17216 & 17217 of 2021

R.Vijay

... Petitioner

Vs.

1.Union of India,
Represented by its Secretary,
Ministry of Health and Family Welfare,
Nirman Bhavan,
New Delhi-110 011.

2.Food Safety and Standards Authority of India,
Represented by its Director (Recruitment),
FDA Bhawan, Kotla Road,
New Delhi-110 002.

3.Food Safety and Standards Authority of India,
Represented by its Administrative Officer (HR),
FDA Bhawan, Kotla Road,
New Delhi-110 002.

4.The Assistant Director (HR),
Food Safety and Standards Authority of India,
Represented by its Administrative Officer (Recruitment),
FDA Bhawan, Kotla Road,
New Delhi-110 002.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in File No. HR-19018/197/2021-HR-FSSAI, dated 08/11/2021 on the file of the Respondent No.3 and quash the same as illegal and consequently for a direction, directing the Respondents to appoint the Petitioner in the post of Technical Officer by granting relaxation in accordance with the Regulation 17 of the Food Safety and Standards Authority of India (Recruitment and Appointment) Regulations, 2018 within the time period stipulated by this Court .

For Petitioner : Mr.T.Ashwin Rajasimman

For R1 : Mr.V.J.Kumaravel
Standing Counsel

For R2 - R4 : Mr.Su.Srinivasan
Standing Counsel

ORDER

The second respondent herein issued a notification on 26.03.2019 calling for application from eligible candidates for various posts including the post of Technical Officer. The basic educational qualification for applying to the post of Technical Officer is B.E or B.Tech in food technology. The petitioner herein had undertaken a course in Tamil Nadu Agricultural University, Coimbatore in B.Tech



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(Food Process Engineering) and he was a final year student when the recruitment notification was issued.

2. As per the said recruitment notification, the last date for filing the application is 25.04.2019. The petitioner had applied in time. However, the results of the petitioner were declared and mark statements were issued to the writ petitioner only on 27.04.2019. The petitioner was successful in the selection process and he was also issued with an appointment order. By way of the impugned order, dated 08.11.2021, the appointment order issued to the writ petitioner was cancelled on the ground that the petitioner has acquired the eligible qualification only 2 days after the cut off date. The said order is under challenge in the writ petition.

3. According to the learned counsel appearing for the writ petitioner, the last date for submission of the application is 25.04.2019 and within a period of 2 days, his mark statements have been released and therefore, as per the Note 1 of the prospectus for the post of Technical Officer, the qualifications are relaxable at the discretion of the competent authority in the case of candidates otherwise well qualified.



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Therefore, the 2 days delay in obtaining the mark statement could very well be relaxed by the authorities and hence, he prayed for setting aside the order impugned in the writ petition.

4. Per contra, the learned Standing Counsel appearing for the respondents 2 to 4 had contended that the last date for submitting application is 25.04.2019 and the candidate having secured the qualification 2 days thereafter, cannot be permitted even to participate in the selection process. By mistake, an order of appointment has been issued and later, when the mark statement was scrutinized, the mistake was found out and the appointment order issued to the writ petitioner was cancelled.

5. I have carefully considered the submissions made on either side and perused the material records.

6. It is an admitted fact that the last date for filing of an application for the post of Technical Officer under recruitment notification, dated 26.03.2019 is 25.04.2019. The fact that the petitioner received his mark statements only on 27.04.2019 is also not disputed. Therefore, it is clear



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that the petitioner has acquired the required qualification only 2 days after the last date for submission of application. The request of the petitioner that he is entitled to seek relaxation from the Government as per note 1 under the brochure for the post of Technical Officer can be invoked only in cases, where the candidate was found to be otherwise well qualified and that too, it is the discretion of the said competent authority.

7. In view of the said discretionary power of the competent authority, this Court is not in a position to issue any mandamus to the said authority to exercise the said power of discretion.

8. In view of the above said deliberations, this Court does not find any error in the order passed by the respondent authority. There are no merits in the writ petition. Hence, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

08.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.20572 of 2021

Dated:
08.11.2023