



W.P.No.19033 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.19033 of 2015

A.Paramananthan

.. Petitioner

Vs.

1) The Principal Secretary to Government,
Backward Classes and Most Backward Classes,
Welfare Department, Fort St.George,
Chennai 600 005.

2) The Commissioner,
Backward Classes Welfare Department,
Chindadiripet, Chennai.

2) The District Backward Classes
and Minority Welfare Officer,
Cuddalore District, Cuddalore

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records in connection with the impugned order passed by the 2nd respondent in file NoB1/7734/2013 dated 02.03.2015 and



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quash the same and further direct the respondents to appoint the petitioner as cook in the Government Backward Classes Hostel in Cuddalore District.

* * *

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.Alagu Goutham
Government Advocate

ORDER

The above writ petition has been filed seeking to quash the order of the 2nd respondent and consequently direct the respondents to appoint the petitioner as a Cook in the Government Backward Classes Hostel in Cuddalore District.

2. The short facts are as follows:

The petitioner would submit that he was sponsored by the District Employment Officer for appointment as a Cook in the Government hospital situated in Cuddalore District where the third respondent had notified that 3 posts had been vacant. The petitioner



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received a call letter from the third respondent asking him to appear for interview on 12.11.2010. The petitioner had accordingly attended the interview and produced all the certificates. Thereafter, he did not receive any appointment order from the third respondent. 14 candidates have received their appointment order and 17 posts have not filled up and kept vacant. The petitioner would submit that instead of filling up the existing vacancy, the third respondent had requested the second respondent vide his communication dated 18.02.2011 to clarify the Rule position in respect of the appointment of cook based on G.O.Ms.No.21 dated 16.02.2000. The petitioner would submit that the second respondent is also dragging its feet in this regard and therefore, he had filed W.P.No.29375 of 2012 seeking a mandamus directing the third respondent to appoint the petitioner as Cook in the Government Backward Classes Hostel in Cuddalore District. This Court by order dated 24.01.2014 passed the following order:

"6. Since the prayer has been restricted to, the



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petitioner is directed to make a representation to the respondents within ten days along with the copy of the order to the second respondent in tune with the proceedings of the third respondent. When such representation is made, the second respondent shall consider the same if the petitioner is eligible and pass orders as expeditiously as possible.”

Thereafter, the petitioner had sent a representation dated 07.04.2014 to which he had received the impugned intimation letter. In the impugned order, it has been stated that there were totally three posts apportioned for General Turn Non-Priority category and 10 candidates had attended the interview on 12.11.2010, out of which only one was selected. The remaining 9 candidates were not selected as they did not qualify for appointment during the interview.

3. Heard the learned counsels and perused the materials available on record.

4. A reading of this order clearly show that it is the decision of



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the committee, which had been constituted for selecting candidates that the petitioner and 8 others have not qualified and only one candidate had qualified for appointment. Accordingly, the said candidate has been appointed. This Court cannot direct the authorities to appoint a particular candidate. The petitioner had to show either arbitrariness in appointment or discrimination in the method adopted for appointment which he has not. That apart, the petitioner has not been singled out besides him, 8 others have also been rejected. Therefore, no case is made out for granting the relief to the petitioner and accordingly, the writ petition is dismissed. There shall be no order as to costs.

28.06.2024

Index : Yes/No

Internet : Yes

srn

To

1) The Principal Secretary to Government,
Backward Classes and Most Backward Classes,

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Welfare Department, Fort St.George,
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2) The Commissioner,
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Cuddalore District, Cuddalore



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P.T.ASHA, J.

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