



WEB COPY



W.P.No.7265 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.7265 of 2020
and
W.M.P. No.8677 of 2020

R.Radha

... Petitioner

Vs.

1. The District Collector,
Villupuram District.
2. The Commissioner,
B.D.O. Office, Marakkanam.
3. The Commissioner for Social Welfare Department,
Ezhilagam, Directorate of Chennai – 5.

4. Loganayagi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the first respondent dated 24.08.2017 in Na. Ka. No. 4530/2017/BE4 and quash the same and consequently direct the first respondent to appoint the petitioner as the Noon Meal Organizer to Kottikkuppam Village.



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For Petitioner : Mr. R.Karunagaran

For Respondents : Mr. M.Muthusamy,
Government Advocate (for R1 to R3)

ORDER

The instant Writ Petition has been filed, challenging the order in Na. Ka. No. 4530/2017/BE4, dated 24.08.2017 passed by the first respondent.

2. The learned counsel for the petitioner would submit that originally, she preferred a Writ Petition against her non-selection for the post of Noon Meal Organizer. Whereas, in the previous round of litigation, this Court has passed an order in W.P.No.25942 of 2012 dated 09.05.2017, wherein this Court has confirmed the appointment of the fourth respondent. However, a liberty was given to the petitioner to submit a representation before the first respondent, and directed the first respondent to consider the representation subject to the availability of a vacancy. Further, it is the contention of the learned counsel for the petitioner that the request was erroneously rejected by the first respondent. Hence, he prayed to interfere with the order of rejection.



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3. Per contra, the learned Government Advocate appearing for the respondents 1 to 3 would vehemently contend that the post of Noon Meal Organizer is a public employment. Therefore, unless a notification is issued for recruitment of such post, the petitioner cannot be appointed contrary to the recruitment rules. Hence, he would contend that the rejection is justifiable, and prayed to dismiss the instant Writ Petition.

4. I have given anxious consideration to the submissions made on either side.

5. Though in the instant Writ Petition, the fourth respondent made as a party, vide order dated 09.05.2017 in W.P.No.25942 of 2012, her appointment was confirmed. Therefore, the issue narrows down to consider whether the order of rejection passed by the first respondent is well within the legal parameters.



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6. It is a settled principle of law that for any public employment, a notification has to be issued, calling upon prospective candidates to participate in the selection process so as to effectuate Articles 14 & 16 of the Constitution of India. In this regard, it is useful to refer the Constitution Bench judgement of the Hon'ble Supreme Court of India, in ***Secretary State of Karnataka vs. Umadevi*** reported in **2006 (4) SCC 1**.

7. If we consider the rejection order in the backdrop of ***Umadevi's*** Judgement, the reason assigned by the first respondent, that the petitioner could only be appointed as per the recruitment rules, that too after issuance of a notification calling for applications from prospective candidates, and that this petitioner cannot be appointed in the absence of any notification, are perfectly in order. On the basis of the above legal principle, this Court could not find any infirmity in the rejection order passed by the first respondent. Therefore, there are no grounds to interfere with the said order.



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8. In the result, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

17.10.2024

kv

Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

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C.KUMARAPPAN, J.

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