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W.P.Nos.16306 of 2020 & etc batch

qIN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos. 16306 to 16309 & 16298 of 2020

and

**W.M.P.Nos.20402, 20404, 20407, 20409, 20410, 20411, 20412,
20413, 20414, 20397 & 20398 of 2020**

W.P.No.16306 of 2020

A.Arun

.... Petitioner

Vs

1. The Commissioner
Adi Dravidar Welfare Department,
Ezhilagam, Chepauk
Chennai 600 005

2. The Director
Tirbal Welfare Department,
Ezhilagam, Chepauk,
Chennai 600 005

3. The District Collector
Villupuram District,
Villupuram

4. The District Adi Dravidar and Tribal Welfare Officer
Villupuram District, Villupuram. Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for
the issuance of Writ of Certiorarified Mandamus call for the records



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relating to the impugned proceedings issued by the 4th respondent in Na.Ka. M1 / 25066 / 2019 dated 25.09.2020 and to quash the same and consequently directing the respondents to allow the petitioner to participate in the selection for the post of Cook in Adi Dravidar and Tribal Welfare Hostels in Villupuram District, based on the newspaper advertisement dated 05.02.2020.

In all W.Ps

For Petitioners : Mr.S.Nedunchezhiyan

For Respondents : Mr.V.Manoharan
Additional Government Pleader

ORDER

These Writ Petitions have been filed challenging the order passed by the fourth respondent dated 25.09.2020, thereby rejected the candidature of the petitioners on the ground that they passed 10th Standard and as over qualified to the post of Cook.

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

3. All the petitioners were qualified with 10th Standard pass. While being so, the third respondent issued notification through news paper to fill up the post of Cook in Adi Dravidar Welfare Department in



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combined Villupuram District on 05.02.2020, thereby inviting applications from the eligible candidates on or before 20.02.2020. The said notification was issued pursuant to the Government Order in G.O.Ms.No.53, Adi Dravidar and Tribal Welfare Department dated 14.08.2013. As per the said Government order and also the notification issued by the third respondent, the qualifications are required “read and write” in Tamil along with other qualifications. All the petitioners have passed their 10th Standard and they were eligible to apply for the post of Cook. They had applied for the post of Cook. However, the petitioners were not called for interview. While being so, an order dated 25.09.2020 came to be issued, thereby their candidature itself was rejected on the ground that they were not eligible to participate in the interview, since their qualification is 10th Standard. It means that they were over qualified.

4. A perusal of the Government orders as well as the news paper advertisement reveals that the qualification for the post of Cook has been prescribed as “able to read and write Tamil”. Nowhere it was stated that 'over qualified persons' were not eligible for the post of Cook. The very same issue dealt with by this Court in a batch of writ petitions in W.A.(MD) No.1562 of 2023 etc. batch, and by an order dated



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29.11.2023, this Court held as follows:

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“30.1. In respect of the writ appeals on hand, violations are committed by selecting the overaged candidates with reference to the Special Rules and recruitment notification. The appointed candidates are to be segregated into two categories viz., overqualified candidates and overaged candidates. Regarding appointment of overqualified candidates, their selection and appointment to the post of Cook cannot be termed as illegal, since there is no prescription of maximum educational qualification either in the Special Rules or in the recruitment notification. Thus, the appointment of overqualified candidates in the post of Cook is held to be valid”.

In the light of the above decision, all the petitioners are entitled to apply for the post of Cook.

5. A perusal of the counter filed by the fourth respondent and the submissions made by the learned Additional Government Pleader appearing for the respondents reveals that there were totally 30 posts of Cook. All the posts were filled up in Villupuram District. Therefore, there is no vacancy for the post of Cook in Viullupuram District. The entire selection process was over. The candidature of the petitioners were



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not considered as per the notification of the year 2020. Therefore, the order impugned cannot be sustained and it is liable to be quashed.

6. Accordingly, the order passed by the fourth respondent dated 25.09.2020, is hereby quashed. The fourth respondent is directed to appoint the petitioners to the post of Cook or in anyone of the existing vacancy, if the petitioners otherwise fulfills other criteria.

7. In the result, these writ petitions stand allowed. Consequently connected miscellaneous petitions are closed. No costs.

06.08.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN, J.

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