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W.A.No. 2463 of 2022 and 2719 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 26.06.2024

DELIVERED ON: 08.08.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

ACTING CHIEF JUSTICE

and

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.A.No. 2463 of 2022 and 2719 of 2022

and CMP.Nos.19185 and 22079 of 2022

Savitha

.. . Appellant in W.A.No.2463/2022/
Respondent No.3 in W.A.No.2719/2022

Vs

1. Latha Makesh .. . Respondent No.1 in W.A.No.2463/2022/
Appellant in W.A.No.2719 of 2022

2. The District Collector
Tiruvannamalai District,
Tiruvannamalai 606 755.

3. The Commissioner,
Tiruvannamalai Panchayat Union,
Tiruvannamalai District. .. . Respondents 2 & 3 in
W.A.No.2463/2022

Respondents 1 & 2 in W.A.No.2719/2022



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Prayer in both Writ Appeal : Writ Appeals are filed under Clause 15 of the Letters Patent against the order dated 15.09.2022 in W.P.No.33955 of 2016.

For Appellant in : Mr. A.K.Kumarasamy, Sr. Counsel
W.A.No.2463/2022 for Mr.S.Kaithamalai Kumaran
For Appellant in : Ms.T.Hemalatha
W.A.No.2719/2022

For Official Respondents : Mr.P.Muthukumar, A.A.G.
Asst. By S.Prabhakaran, G.A.

COMMON JUDGMENT

D.KRISHNAKUMAR, ACJ.

Aggrieved by the order passed by the writ court in W.P.No.33955 of 2016 dated 15.09.2022, the present writ appeals have been filed by the appellants. For the sake of brevity, the ranking of parties in W.A.No.2463 of 2022 is adopted.

Facts in brief:

2. The appellant was appointed as a Nutritious Meal Organizer by the second respondent, vide proceedings in Na.Ka.No.10791/14/NMS-1 dated



29.2.2016, impugned in the instant writ petition. The first respondent, Co-sister of the appellant herein/appellant in W.A.No.2719 of 2022 challenged the said order of appointment before the Writ Court in W.P.No.33955 of 2016. According to the appellant, the first respondent is economically better placed than the appellant and she is running a private school and she is also a cable operator. According to the first respondent, she participated in the process of selection for appointment to the post of Noon Meal Organiser at Panchayat Union Middle School, Kallanai in Tiruvannamalai Panchayat Union and attended the interview and submitted all the requestite documents for consideration and though she has secured higher marks than the appellant, she has not been appointed and therefore, she has filed the writ petition challenging the order appointing the apellant as Noon Meal Organizer.

3. The learned counsel appearing for the appellant contended that based on the economic condition of the candidates, the interview Committee has assessed the merits and granted marks and there is no illegality in the selection of the appellant by the second respondent and therefore, prays for allowing of this writ appeal and setting aside the order of the Writ Court.



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4. The learned counsel appearing for the first respondent mainly contended that the first respondent scored higher marks than that of the appellant, but she was not considered for selection, on the contrary, the appellant, who scored lesser marks was issued with an appointment order on extraneous consideration and thus, she filed the writ petition to aside the appointment order issued in favour of the appellant.

5. The learned Additional Advocate General appearing on behalf of the official respondents has drawn the attention of this Court to the original records containing the marks awarded in the interview committee which reveals that the respondent was awarded 33 marks in the interview by the Selection Committee, whereas the appellant was awarded 26 marks.

6. Heard the parties and perused the materials available on record.

7. The undisputed fact remains that the dispute is with regard to the appointment of the appellant as the Noon-Meal Organizer and the first



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respondent/writ petitioner is none other than her co-sister. The Writ Court recorded a finding that the marks awarded by the Interview Committee cannot be interfered by this Court, while exercising the powers of judicial review and if at all, the third respondent doubt about the marks awarded, the same cannot be accepted in the absence of any incriminating evidence. The Writ Court further recorded that as per the statement furnished by the learned Additional Advocate General, the first respondent has secured 33 marks and whereas the appellant who has secured only 26 marks was given appointment and thus, the Writ Court held that the appointment of the appellant in the post of Noon Meal Organiser is in violation of the procedure contemplated under the rules and illegal and therefore, quashed the impugned proceedings in Na.K.No.10791/14/NMS-1 dated 29.2.2016 and directed the respondents to fill up the post by way of fresh recruitment by following the procedure as contemplated under the Recruitment Rules.

8. This Court has also summoned the original records and perused the same. A perusal of the original records reveals that marks were awarded and written separately by using pen in respect of column Nos.4 to 11,



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namely Educational Qualification, Age, Gender, Distance between the residence and the Noon Meal Centre, Destitute / Widow, Physically Challenged, Economic Situation, Previous Knowledge on Noon Meal Scheme etc., in respect of all the candidates. Curiously in Col. No.13 i.e. Total Marks awarded, it is written in pencil for all the candidates. Further there seems to be some over-writing in column No.10 viz., Economic situation of the candidates, which raises a serious doubt that there is every chance of manipulation of marks. Even as per the original records produced, the first respondent has secured 33 marks and whereas the appellant has secured 26 marks and when such being the position, it is not known how the appellant has been appointed as Noon Meal Organizer. The procedure adopted by the official respondents is highly deprecable and highhanded. The Writ Court has rightly quashed the impugned proceedings appointing the appellant as the Noon Meal Organizer and directed the respondents 1 to 2 to fill up the post by way of fresh recruitment by following the procedures as contemplated under the recruitment rules. The order of the writ Court is perfectly valid and does not warrant any interference by this Court.



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9. With the above observations, these writ appeals are dismissed, confirming the order of the Writ Court. No costs.

[D.K.K., ACJ.,]

[K.B., J.]

08.08.2024

Index: yes/no

Internet:yes

Speaking Order/Non speaking order

Jvm

To

1. The District Collector

Tiruvannamalai District,
Tiruvannamalai 606 755.

2. The Commissioner,

Tiruvannamalai Panchayat Union,
Tiruvannamalai District.



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D.KRISHNAKUMAR, ACJ.

&

K. KUMARESH BABU, J.

Jvm

Common Judgment in

W.A.No. 2463 of 2022 and 2719 of 2022

08.08.2024