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W.P.No.26673 of 2021 & batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. Nos.26673, 26669, 26805, 26779,26781, 26798, 28452 &28460 of 2021

W.P.No.26673/2021

C.Rakesh Sharma

...

Petitioner

/vs/

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Backward Classes,
Most Backward Classes,
Minorities Welfare,
Secretariat, Chennai – 9.
2. The Chairman of Selection Committee /
Director of Backward Class Welfare Department,
Chepauk,
Chennai – 5..
3. The District Backward Classes and Minorities
Welfare Officer,
O/o. The District Backward Classes and Minorities
Welfare Officer,
Tirupathur District.

... Respondents



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COMMON PRAYER:

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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the entire records connected with the impugned order in Letter No.B4/2874/2020 dated 27.11.2021 and the consequential impugned order in Na.Ka.No.B4/5335/2020 dated 27.11.2021 on the file of the respondent No.2 and quash the same and directing the respondents to appoint the petitioner in the post of Cook in the Backward Classes, Most Backward Classes & Minorities Welfare Hostel coming under the third respondent Welfare Department in pursuance to the selection made by the second respondent Selection Committee within a stipulated time.

For Petitioner ... Mr.K.Thilageswaran
(in all W.P's)

For Respondents ... Mr.T.Chezhiyan
(in all W.P's) Additional Govt. Pleader for R1 to R3

COMMON ORDER

Heard Mr.K.Thilageswaran, the learned counsel for the petitioner and Mr.T.Chezhiyan, the learned Additional Government Pleader for the respondents.



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2. The petitioners have filed these writ petitions challenging the order passed by the second respondent in Letter No.B4/2874/2020 dated 27.11.2021 and the consequential order in Na.Ka.No.B4/5335/2020 dated 27.11.2021 and to direct the respondents to appoint the petitioner in the post of “Cook” in the Backward Classes, Most Backward Classes & Minorities Welfare Hostel coming under the third respondent Welfare Department in pursuant to the selection made by the second respondent Selection Committee within a stipulated time.

3. The petitioners have been selected for the post of “Cook” by the Selection Committee constituted under G.O.Ms.No.25 dated 14.02.2020. The other candidates who have been selected for other districts have been given orders for joining duty. However, the Cooks selected for Tirupattur & Krishnagiri District which includes the petitioners were not issued with appointment order instead the very selection list has been cancelled on 27.11.2021 due to administrative reasons.



4. Similarly placed persons who have already been appointed but their appointment has been subsequently canceled in view of the complaints from the students of the hostels, where they were posted as Cooks, have filed various writ petitions and the same were allowed. Challenging the said order, the Government has taken the matter on appeal in W.A.(MD) No.217 of 2017 & batch and a Division Bench of this Court has held rendered the following guidelines:

“ 11. In view of the complex nature of facts and circumstances and considering the fact that no prejudice would be caused to the selected candidates and to strike a balance between the selected candidates and the apprehension of the department regarding the appointment of unqualified, unsuitable or ineligible candidates, we pass the following orders:

(i) The common order passed in W.P.(MD).Nos.21246 of 2021 and batch etc., dated 01.07.2022 is set aside. The orders impugned in the Writ Petitions are also consequentially set aside.

(ii) The appellant department is directed to assess the eligibility, suitability and the qualifications etc., of the selected candidates and if the competent authorities found that those criteria are not lacking, then those selected candidates are to be appointed. If the authorities found that such criteria are lacking, then they are empowered to cancel the selection in respect of those candidates, who are found not suitable and ineligible for appointment.



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(iii) In respect of the candidates appointed, it is already brought to our notice that the process of re-assessment has been completed through the Institute of Hotel Management and Catering Technology, Tharamani, Chennai. In respect of those candidates, the competent authorities are empowered to cancel the appointment, once the appointed candidate is found ineligible or not suitable for appointment to the post of Cook. Even such powers are conferred on the authorities, since those candidates are under probation and they are not the permanent members of the services.

(iv) The selected candidates/writ petitioners are also to be sent for evaluation to the Institute of Hotel Management and Catering Technology, Tharamani, Chennai for the purpose of ascertaining their suitability and eligibility.

(v) The said exercise shall be completed as expeditiously as possible.”

5. Mr.K.Thilageswaran, the learned counsel for the petitioner, submitted that these petitioners would fall under the guidelines No. 2 and 4 of the above judgment.

6. Even though the petitioners have got selected, their qualification has to be rechecked in view of the above guidelines given by this Court. Hence, it is appropriate for the petitioners to participate in the process



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contemplated under the above order and prove their skill and competence for getting appointment.

7. Accordingly, these writ petitions are partly allowed and the order passed by the second respondent in Letter No.B4/2874/2020 dated 27.11.2021 and Na.Ka.No.B4/5335/2020 dated 27.11.2021 are hereby quashed with a condition that the petitioners shall get their appointment orders only after proving their eligibility, skill, etc. in terms of the directions given in the W.A.(MD) No.217 of 2017 & batch dated 07.11.2023, by subjecting themselves to the evaluation at the Institute of Hotel Management and Catering Technology, Taramani Chennai. No costs.

21.03.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No

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