



W.P.No.19322 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.10.2024

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THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.19322 of 2017
and WMP.No.20834 of 2017

V.Sakila

... Petitioner

Vs.

1.Secretary to Government,
Social Welfare and Nutritious Meal Programme Department,
Chennai.

2.The Director of Social Welfare,
Nagireddy Thottam,
Old SIDCO Campus,
Guindy, Chennai 600 032.

3.The District Collector,
Tiruvannamalai District.

4.E.Kamatchi ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent in Na.Ka.No.8512/2016/SaUThi-1 dated 20.04.2017 and quash the same and direct the 3rd respondent to appoint the petitioner as Cook Assistant in Nutitious Meal Centre in Panchayat Union School in Sambandhanur Village.

For Petitioner : Mr.A.Baskaran

For R1 to 3 : Mr.R.Kumaravel, AGP

For R4 : Mr.B.Jawahar



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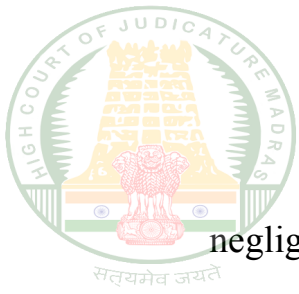
ORDER

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Challenging the impugned order appointing the 4th respondent as Cook Assistant, this writ petition is filed. The writ petitioner also seeks for a direction to the 3rd respondent to appoint the petitioner as Cook Assistant in Nutritious Meal Centre in Panchayat Union School in Sambandhanur Village.

2. It is averred in the writ petition that the 3rd respondent issued notification for recruitment to the post of Cook Assistants under Puratchi Thalaivar MGR Nutritious Meal Program in Thiruvannamalai District. Interview for the said post was held on 18.04.2017. The petitioner participated in the said interview. In the interview, the 4th respondent was awarded 25 marks and the petitioner was awarded 21 marks. Therefore, the 4th respondent was selected. The petitioner aggrieved by the selection of the 4th respondent to the post of Cook Assistant has filed the Writ Petition for the aforesaid relief.

3. According to the petitioner, she is eligible for 5 marks for having worked for 300 days under Mahatma Gandhi National Rural Employment Guarantee Programme. The Interview Committee



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negligently did not award any marks to the petitioner under the Head of "Mahatma Gandhi National Rural Employment Guarantee Programme".

If the petitioner was correctly awarded marks, she would have been selected in the place of the 4th respondent. The petitioner further submitted that the 4th respondent was erroneously awarded 3 marks under the Head "Economical Status", even though her husband held ancestral properties. Therefore, the petitioner prayed that the impugned order appointing the 4th respondent be cancelled and the petitioner be appointed in her place.

4. The 3rd respondent has filed detailed counter affidavit stating that the Interview Committee had correctly awarded marks under various heads. According to the respondents, they scrupulously scrutinized the documents produced by the petitioner as well as the 4th respondent and awarded marks. The respondents further denied the petitioner's allegations that she had produced documents to show that she worked under Mahatma Gandhi National Rural Employment Guarantee Programme and also that the 4th respondent's husband had possessed ancestral lands. The respondents submitted that the writ petition was devoid of merits and the same deserved to be dismissed.



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5. The learned counsel for the petitioner submitted that the petitioner worked for more than 300 days in the Mahatma Gandhi National Rural Employment Guarantee Programme and however, the respondents had not awarded any marks under the said head. The learned counsel further submitted that the 4th respondent's family possessed lands and therefore, the 4th respondent was not entitled to any marks under the head "Economical Status". The learned counsel further submitted that the appointment of the 4th respondent was vitiated and the same deserved to be set aside.

6. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner did not produce any document in support of her contention that she worked for more than 300 days in the Mahatma Gandhi National Rural Employment Guarantee Programme and therefore, she was not awarded any marks under the said head. The learned counsel further submitted that the 4th respondent did not possess any lands and the survey numbers alleged by the petitioner in the writ petition were imaginary ones.

7. The learned counsel for respondents further submitted that the petitioner's husband was a Government employee, employed in



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Government Higher Secondary School, but on the other hand, the 4th respondent and her family were economically backward and therefore, the selection of the 4th respondent was valid. Hence, he prayed for the dismissal of the writ petition.

8. Heard the counsel for the petitioner as well as the respondent and perused the materials available on record.

9. The main grievance of the petitioner is that she was not awarded any marks under the head "Mahatma Gandhi National Rural Employment Guarantee Programme". The petitioner claims to have produced documents in support of her employment under the said programme but the respondent failed to award any marks to the petitioner under the said Head. Though the petitioner stated that she produced the documents to the respondents at the time of interview, the same is denied by the respondents. The petitioner has produced the documents in the typed set of papers. That the petitioner produced the documents even during the interview is denied by the respondents. This being a disputed question of fact the same cannot be enquired in the writ proceedings. Hence, the contention of the petitioner that she ought to have been



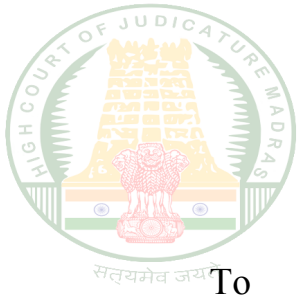
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awarded marks under the Head Mahatma Gandhi National Rural
WEB COPY Employment Guarantee Programme, cannot be accepted. As far as the
possession of lands by the 4th respondent is concerned, the respondents
had categorically stated that the same was a figment of the petitioner's
imagination. Assuming that the 4th respondent's family members were
possessed of lands, the 4th respondent would loose 3 marks, and even
then, she would score 22 marks, which is one mark more than the
petitioner. Therefore, this Court does not find any justifiable reason to
interfere with the impugned order.

10. Hence, this Writ Petition is dismissed. There shall be no
order as to costs. Consequently, connected Miscellaneous petition is
closed.

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To
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N.MALA, J

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