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W.A.No.3769 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.A.No.3769 of 2024

K.Elakkia

... Appellant

Vs.

- 1.The State of Tamil Nadu,
Rep by its Secretary,
Co-operative Sugar Mills Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Director,
Sugar Mills Department,
1st Floor, Pasumpon Muthuramalingam Salai,
Nandanam, Chennai – 600 035.
- 3.The Managing Director cum Joint Registrar,
Kallakurichi II Co-operative Sugar Mills Ltd,
Kachirayapalayam,
Chinnasalem Taluk,
Kallakurichi District.

... Respondents

Prayer: Appeal under Clause 15 of the Letters Patent praying to set aside the order passed in W.P.No.35581 of 2023 dated 01.03.2024 by this Court and to allow the above writ appeal.

For Appellant : Mr.V.R.Kamalanathan
for Mr.R.Manibarathi
For Respondents : Mr.V.Manoharan,
Additional Government Pleader



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JUDGMENT

(Judgment of the Court was delivered by **C.SARAVANAN, J.**)

This intra Court appeal is directed against the impugned order dated 01.03.2024 passed by the Writ Court in W.P.No.35581 of 2023. The appellant herein was the petitioner in the above Writ Petition. By an impugned order, the Writ Court has dismissed the Writ Petition with the following observations:-

“5. On perusal of the counter revealed that though the interview was fixed on 10.05.2023, due to administrative reasons, it was postponed and the same was duly informed to the petitioner. Whenever the date of interview is fixed, the petitioner will be informed for the interview. Further the petitioner has no right to compel the third respondent to conduct interview as per the notification. That apart, the petitioner was selected as ward member in the town panchayat election and she is holding the post of ward member in the Vadakkanandal town panchayat. Therefore, the petitioner cannot compel the employer to conduct interview for any post. The writ petition is devoid of merits and liable to be dismissed.

6. Accordingly, the Writ Petition stands dismissed. There shall be no orders as to costs.”

2. We have heard the learned counsel for the appellant and the learned Additional Government Pleader for the respondents.

3. At the outset, we are of the view that the impugned order passed by the Writ Court in the above Writ Petition does not call for any interference. The petitioner had filed the above Writ Petition for a mandamus to direct the



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respondents herein to conduct interview to the eligible candidates for the post of Lab Chemist in Kallakurichi Co-operative Sugar Mills Ltd, Kachirayapalayam, in Ref.No.Na.Ka.No.3359/2001/A1 dated 06.01.2023 which has been rejected.

4. The third respondent herein had called for an application in Ref.No.Na.Ka.No.3359/2001/A1 dated 06.07.2017 to the post of Lab Chemist. The appellant had applied for the post and was called for an interview that to be held on 10.05.2023. Later, by a letter dated 09.05.2023, the third respondent cancelled the interview and stated that the interview was being postponed due to “administrative reasons”.

5. The case of the appellant appears to be that in a Board meeting of the third respondent held on 23.06.2023, the resolution was passed to consider the post of Lab Chemist in Kalakurichi II Co-operative Sugar Mills Ltd. However, no action has been taken by the respondents in that direction.

6. It is further case of the appellant that one Dhanam who was temporarily working as a Lab Chemist in the said Co-operative Sugar Mills Limited for the past 10 years and had applied for a similar post in Kallakurichi I



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Sugar Mills Ltd, Munkilthuraipattu and has been absorbed in service.

However, the petitioner's candidature has not been considered favourably.

Hence, the appellant had prayed for the above relief.

7. After hearing the case, on the previous occasion, we had directed the third respondent to inform through their counsel as to the status of the interview that was postponed due to administrative reasons.

8. Learned Additional Government Pleader for the respondents has filed a copy of letter dated 24.01.2025, wherein, it has been stated as under:-

“With reference to the above letter cited, we submit that, we are giving the following instructions in the writ appeal filed by Tmt.K.Elakkia regarding the filling up the post of Lab Chemist in our mill. The notification to fill up the post of Lab Chemist letter issued on 01.06.2023. Due to Administrative reasons interview was not conducted. Now our laboratory operations are overseen by the Deputy Chief Chemist (DY CC), who serves as the Head of Department (HOD). Under the DY CC's supervision, our laboratory functions effectively with a qualified chemist.

The Kallakurichi-II Co-operative Sugar Mills laboratory was efficiently managed by following persons at present:

-Deputy Chief Chemist (DYCC) as Head of Department (HOD)

-A qualified Manufacturing Chemist

This team ensured the smooth operation of the laboratory.

Due to our mill's current underutilization, we have experienced a reduction in cane crushing capacity. Specifically:

-2023-24: 4.3 lakh tonnes

-2024-25: 3.25 lakh tonnes

In light of this, our primary focus is on enhancing cane procurement and registration processes then only the sugar mill earn profits.

Hence, we will not be in a position to proceed with the interview at present.”



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9. We are of the view that the appellant does not have a vested right to be called for an interview. Merely because, the third respondent had earlier called the appellant for an interview to be held on 10.05.2023 does not mean that the appellant should be selected. It is the discretion of the employer to fill up the post.

10. In view of the above also, we find no reasons to interfere with the impugned order of the Writ Court. Therefore, we are inclined to dismiss this Writ Appeal. However, we make it clear that in case, fresh interviews are called for the appellant's application for the candidature shall be considered in accordance with the relevant rules and regulations applicable to the third respondent.

11. With the above observations, this Writ Appeal stands dismissed. No costs.

[R.S.K., J.]

[C.S.N., J.]

27.01.2025

jas/mrr

Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No



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