



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.14958 of 2015

and

M.P (MD) Nos.1 & 2 of 2015

V.Suresh

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram.

2.The Block Development Officer,
Mudhukulathur Panchayat Union,
Mudhukulathur, Ramanathapuram District.

3.The Commissioner,
Mudhukulathur Panchayat Union,
Mudhukulathur, Ramanathapuram District.

4.Mrs.P.Savithiri,
Deputy Block Development Officer,
Mudhukulathur Panchayat Union,
Mudhukulathur,
Ramanathapuram District.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the notification dated 21.07.2015 under Na.Ka.A1/911/2015, on the file of the 3rd respondent and to quash the same as unconstitutional and further direct the 3rd respondent to appoint the petitioner to the post of office assistant or night watchman pursuant to the intimation letter dated 13.05.2015 in Na.Ka.A6/1722/2015, issued by the 2nd respondent.

For Petitioner

: Mr.K.R.Laxman

For R1

: Mr.S.Sadeskumar

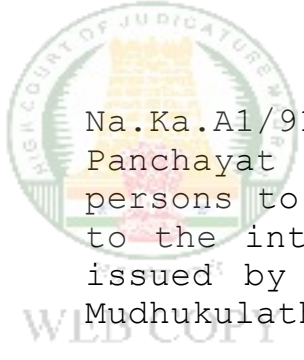
Additional Government Pleader

For R2 & R3

: Mr.R.Velmurugan

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/> This writ petition has been filed by Mr.V.Suresh seeking issuance of writ of Certiorarified Mandamus to call for the records of the notification dated 21.07.2015 under



Na.Ka.A1/911/2015, issued by the Commissioner, Mudhukulathur Panchayat Union, the third respondent herein to appoint suitable persons to the post of Office Assistant or night watchman pursuant to the intimation letter, dated 13.05.2015 in Na.Ka.A6/1722/2015, issued by the second respondent, the Block Development Officer, Mudhukulathur Panchayat Union.

2. Heard Mr.K.R.Laxman, learned counsel appearing for the petitioner and Mr.S.Sadeskumar, learned Additional Government Pleader appearing for the first respondent and Mr.R.Velmurugan, learned counsel appearing for the respondents 2 and 3.

3. The learned counsel for the petitioner would submit that the petitioner is hailing from downtrodden family with 40% disability and aged about 39 years. In response to an advertisement issued by the third respondent in the month of April 2015 for the post of Office Assistant/Night Watchman, the petitioner applied for the said post along with necessary certificates, pursuant thereto, he was called for interview vide Interview Letter, dated 17.04.2015 to attend the interview on 27.04.2015, however, the said interview was postponed to 30.04.2015, only on that day, the interview was held in a fair manner. After participating in the interview by communication dated 13.05.2015 he was informed that he will be appointed on the basis of eligibility and priority. When the matter stood as above, without any intimation regarding the earlier call letter, one another call letter dated 21.07.2015 was issued, therefore, the petitioner has come to this Court for the relief mentioned above.

4. Adding further, learned counsel for the petitioner contended that when the third respondent on earlier occasion issued an advertisement in the month of April, 2015 calling for suitable candidates for the posts of Office Assistant/Night Watchman, the petitioner applied for the same and subsequently, he took part in the interview and thereupon he was informed that he would be selected. After informing the petitioner that he would be selected to the said post, without issuing the order copy, the respondents issued one another notification for the said post.

5. At this point of time, Mr.S.Sadeskumar, learned Additional Government Pleader appearing for the first respondent submitted that the petitioner has come to this Court with unclean hands, because in his recent communication, dated 29.07.2015 he has wrongly mentioned his educational qualification as though he has completed only 9th standard, whereas he is a B.A., graduate. Similarly, the petitioner has also concealed his original education qualification B.A., degree, at the time of applying to the said post and wrongly mentioned his educational qualification as 9th standard and participated in the interview on 30.04.2015 for the post of Office Assistant, subsequently, finding that the petitioner is having higher qualification, the respondents have issued the impugned fresh advertisement.



6. This Court, finds merits in the submissions made by the learned Additional Government Pleader. The reason is, when the petitioner has not disclosed his educational qualification possessed by him and at the time of participating in the interview, on noticing that the petitioner has possessed the higher qualification viz., B.A., degree, the 1st respondent has rightly issued the impugned notification, therefore, the impugned order does not call for interference, hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CO)

/TURE COPY/

Sub Assistant Registrar

Am

To

1. The District Collector,
Ramanathapuram.
2. The Block Development Officer,
Mudhukulathur Panchayat Union,
Mudhukulathur,
Ramanathapuram District.
3. The Commissioner,
Mudhukulathur Panchayat Union,
Mudhukulathur,
Ramanathapuram District.
4. Deputy Block Development Officer,
Mudhukulathur Panchayat Union,
Mudhukulathur,
Ramanathapuram District.

+1 CC TO MR.K.K.LAXMAN, ADVOCATE, SR NO:48603

JAM/28.10.15/SKS-RR/3P-6C

W.P. (MD) No.14958 of 2015
19.08.2015