

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-08-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.28308 of 2016
and W.M.P.No.24409 of 2016

S.Kalaivani

.. Petitioner

Vs.

1.The District Collector
Villupuram District
Villupuram.

2.The Thasildhar
Kallakurichi Taluk
Villupuram District.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the 1st respondent to dispose the representation, dated 19.02.2016, to consider the petitioner under the priority category for the vacancy notified by the 2nd respondent for the post of Village Assistant.

For Petitioner : Mr.R.Kumaravel

For Respondents : Mr.R.S.Selvam
Government Advocate

* * *

O R D E R

By consent, this Writ Petition is taken up for final disposal even at the stage of admission itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 1st respondent to dispose of the representation of the petitioner, dated 19.02.2016, by considering her name under the priority category for the vacancy notified by the 2nd respondent for the post of Village Assistant.

3. The case of the petitioner is that her father's land was acquired by the 1st respondent for the purpose of assigning free house sites to Scheduled Caste members in the year 1999. The District Backward Class Officer, after verification, issued priority certificate in the vacancies notified by Government of Tamilnadu. The 2nd respondent called for the post of Village Assistant, for which, the petitioner applied enclosing all necessary documents including the Priority Certificate. The petitioner made a representation to the 1st respondent, on 19.02.2016, seeking to give her priority in the vacancy notified by the 2nd respondent, but, till date, there is no response. Hence, the present Writ Petition has been filed seeking the relief stated supra.

4. Mr.R.Kumaravel, the learned counsel for the petitioner would submit that the petitioner is asked to attend the interview scheduled to be held on 16.08.2016. He would further add that though, the call letter was signed by the 2nd respondent on 04.08.2016, the same was despatched on 08.08.2016 and it was delivered to her only on 09.08.2016, for the interview, which is scheduled to be held on 16.08.2016. He would further add that the apprehension of the petitioner is that in between 09.08.2016 and 16.08.2016, there are only three working days, therefore, her application may not be considered in a proper perspective under the priority quota as per the Priority Certificate issued by the District Backward Class Officer.

5. Mr.R.S.Selvam, the learned Government Advocate, who took notice on behalf of the respondents, would submit that at the time of interview only, the verification of the Certificates will be done.

6. On a perusal of the typed-set of-papers, it is seen that the land of the petitioner's father has been acquired and subsequently, the District Backward Class Officer, after verification, has issued a Priority Certificate in the vacancies notified by Government of Tamilnadu and the same is available with the petitioner. On a mere apprehension that in between 09.08.2016 and 16.08.2016, there are only three working days and therefore, her application will not be considered in the proper perspective under the priority quota as per the Priority Certificate issued by the District Backward Class Officer, the petitioner has rushed to the Court, which is not warranted in the facts and circumstances of the case. Since, the Priority Certificate is very much available with the petitioner, it is suffice to state that the 2nd respondent shall consider the Priority Certificate along with other Certificates at the time of the interview and thereafter, he shall pass appropriate orders.

This Writ Petition is disposed of accordingly.
Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

-s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1.The District Collector
Villupuram District
Villupuram.

2.The Thasildhar
Kallakurichi Taluk
Villupuram District.

+2 ccs to Mr.R.Kumaravel Advocate sr.46295

+1 cc to the Government Pleader sr.46480

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aa16/08/2016

सत्यमेव जयते

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