

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.19738 of 2016

P.Annamalai

.. Petitioner

Vs

1.The District Collector,
Thiruvannamalai District.

2.The Tahsildar,
Vandavasi Taluk, Vandavasi.

3.The Revenue Divisional Officer,
Cheyyar, Thiruvannamalai District.

4.The District Employment Officer,
Thiruvannamalai District,
Thiruvannamalai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of declaration to declare that the selection of Village Assistants within the jurisdictional limits of the 2nd respondent without notifying the vacancies in the manner known to law is liable to be declared as illegal and unlawful and ultra vires and consequently direct the respondents 1 to 4 to properly notify the vacancies to public by drawing clear selection procedure.

For petitioner : Mr.T.S.Rajamohan

For Respondents: Mr.V.Jayaprakash Narayanan, Spl.GP

O R D E R

The petitioner seeks for issuance of a writ of declaration to declare that the selection of Village Assistants within the jurisdictional limits of the 2nd respondent without notifying the vacancies in the manner known to law as illegal and unlawful and ultra vires and consequently direct the respondents 1 to 4 to properly notify the vacancies to public by drawing clear selection procedure.

2. Heard both sides.

3. The petitioner, who did not pass through 10th standard, registered his name in the District Employment Exchange, Thiruvannamalai on 02.07.1997 and he was allotted with Registration No.9388/1997. He is physically disabled person with 50% disability as could be seen from the Disability Certificate issued by the Government Head Quarters Hospital, Thiruvannamalai. Whiles, the respondents 1 to 3 proceeded to fill up the post of Village Assistant coming within the jurisdictional limit of the second respondent. After the selection process, when he approached the respondents 1 to 3, they have informed him that his candidatures was rejected on the ground of his over-age and finally, he was not permitted to participate in the interview. Thereafter, though he made a representation dated 11.05.2016, the same have not been till date considered by the respondents, it is pleaded.

4. I do not find any merit in the above said contention. Counter affidavit filed by the second respondent shows that the petitioner was permitted to take part in the interview held on 30.01.2016 and in the interview process, all his certificates have been verified and when he was asked to read and write, his performance was very poor. Therefore, in such view of the matter, the claim of the petitioner that he was not permitted to take part in the interview being a false, the same cannot be sustained.

5. Besides, upper age limit of the MBC category is 35 years and since he was born on 07.04.1979, he has crossed the upper age limit of 35 years when he applied for the said post on 04.01.2016. Thus, as stated in the counter affidavit, his candidature cannot be considered due to his over-age. Secondly, without impleading the selected candidates, the petitioner cannot seek a prayer to declare the entire selection process as illegal.

6. In fine, for the reasons stated above, the writ petition fails and the same is dismissed. No Costs. WMP.No.17068 of 2016 is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rkm

To

1.The District Collector,
Thiruvannamalai District.

2.The Tahsildar,
Vandavasi Taluk, Vandavasi.

3.The Revenue Divisional Officer,
Cheyyar, Thiruvannamali District.

4.The District Employment Officer,
Thiruvannamalai District,
Thiruvannamalai.

+ 1 cc to The Government Pleader SR.71198

W.P.No.19738 of 2016

RJ(CO)
EU(15/11/2017)



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