

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 26428 of 2013

and MP No.1 of 2013

A.Ravi .. Petitioner

Vs.

1 The District Employment Officer,
Villupuram,
Villupuram District.

2 The Tahsildar,
Taluk Office, Thirukovilur,
Villupuram District. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari Mandamus, to call for the records of the impugned order passed by the 1st Respondent A2/10461/2013 dated 5.09.2013 and quash the same as illegal and direct the 1st respondent to call for interview as per seniority for the post of Village Assistant and direct the 2nd respondent to fill up the post of three vacancy of Village Assistant in Ariyur Revenue Village, Villupuram District.

For Petitioner : Mr.G.Ranganathan

For Respondents : Mr.S.Diwakar

Special Government Pleader

सत्यमेव जयते

O R D E R

The Writ Petition has been filed praying for issuance of a Writ of Certiorari Mandamus, to call for the records of the impugned order passed by the 1st Respondent A2/10461/2013 dated 5.09.2013 and quash the same as illegal and direct the 1st respondent to call for interview as per seniority for the post of Village Assistant and direct the 2nd respondent to fill up the post of three vacancy of Village Assistant in Ariyur Revenue Village, Villupuram District.

2. Heard Mr.G.Ranganathan, learned counsel appearing for the petitioner and Mr.S.Diwakar, Special Government Pleader appearing on behalf of the respondents.

3. The learned counsel appearing for the petitioner submits that the petitioner made a representation to the 2nd Respondent for appointment to the post of Village Assistant. The 2nd respondent, on 16.09.2013, made the appointment through District Employment Office. The petitioner enrolled his name before the 1st respondent on 16.11.1996 and registered his name for employment. The petitioner made a written representation dated 23.08.2013 before the 1st respondent. On receipt of the said representation, the 1st respondent passed the impugned order on 05.09.2013, stating that the petitioner age was barred for appointment to the post of Village Assistant and the interview called for upto 1993. The learned counsel for the petitioner would further submit that without following the seniority, the 1st respondent sponsored the name of the other candidate for appointment to the aforesaid post. Hence, the petitioner filed the present Writ Petition.

4. On the contrary, the learned Special Government Pleader appearing for the respondents would submit that the petitioner was registered his name in the 1st respondent/Employment Exchange on 06.11.1996. The 2nd respondent Tashildar, Thirkkoilur Taluk have notified 12 vacancies of the Village Assistants on 29.08.2013 with the following terms and conditions:

Qualification : Vth Std Passed
Age (i) Minimum : 21 years
(ii) Maximum : 30 Year for OC
32 for BC/MBC and
35 for SC/ST as on 01.07.2013

In the aforesaid notification, out of 12 posts, only two Village Assistant Posts were notified for Open Competition General Non Priority Category, and 10 number of candidates belonging Scheduled Caste were nominated for that post, and last candidate's seniority in open competition General Non Priority Category is 05.07.1993. The petitioner's seniority date is 06.11.1996, as per G.O.No.21, Labour and Employment Department dated 02.02.2000, upper age limit is relaxed one year for seniority of every three years subjected to maximum of 5 years for 15 years seniority for the candidates who posses below SSLC qualification only. The petitioner crossed upper age limit of 40 years on 03.05.2013. The crucial date to reckon the age limit is 01.07.2013. The petitioner was not nominated because, he was over aged and also he does not comes within the purview

of cut-off date in Open Competition General Non Priority Category. Therefore he was not sponsored for the appointment of the Village Assistant Post.

5. The learned counsel for the respondent would further submit that the Tahsildar, Thirukkoilur Taluk, has notified 57 Village Assistant posts and out of 57 posts, 5 posts were reserved for Open Competition women Non Priority Category and on 22.06.2012 for the reservation, only Woman Candidates must be considered. Based on this, the registrant one Tmt.M.Lakshmi, who failed in SSLC has registered in Registration No.2000F07575 on 26.07.2000 and her name was sponsored. At that time, the last candidate's Seniority date is 26.07.2000 in Open Competition Women Non Priority Category.

6. In view of the aforesaid submissions made by both the counsel for the petitioner as well as the respondents, it is admitted fact that the petitioner's seniority had not reached within the cut-off date in Open Competition General Non Priority Category, and he has also crossed the age limit for the Village Assistant Post as on 01.07.2013. So, the petitioner's name was not sponsored by the 2nd respondent for the post of Village Assistant. Hence, Writ Petition deserves to be dismissed.

7. In the light of the above said facts, there is no merits in this Writ Petition and accordingly Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The District Employment Officer,
Villupuram,
Villupuram District.

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2 The Tahsildar,
Taluk Office, Thirukovilur,
Villupuram District.

+1cc to the Government Pleader, S.R.No. 9032

VGII(CO)
md(24/03/2017)

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