

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND

THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.No.44758 of 2016,

W.M.P.Nos.38586 of 2016 and
6941 of 2017

R.Poonguzhali

...Petitioner

Vs.

1. Union of India, represented by
Union Territory of Puducherry,
represented by the Secretary to Government,
Health and Family Welfare Services Dept.,
Government of Puducherry, Puducherry.
 2. The Director,
Directorate of Health and Family Welfare Services,
Victor Simonel Street,
Old Maternity Hospital Building, Puducherry - 605 001.
 3. Employment Officer,
Employment Exchange,
Ground Floor, Labour Department Complex,
Gandhi Nagar, Vazhudavur Road, Puducherry.
 4. S.Kasimunian
 5. The Registrar,
Central Administrative Tribunal,
Chennai.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India, praying for a Writ of Certiorari, calling
for the records relating to order dated 21.12.2016 in
O.A.No.1888 of 2016 passed by the 5th respondent Tribunal and
quash the same.

For Petitioner : Mr.Giridhar

For Respondents: Mr.R.Syed Mustafa,
Spl.Government Pleader
for R1 to R3

Mr.Bharatha Chakravarthy for
M/s.Sai, Bharath and Ilan
for R4

O R D E R

K.K.SASIDHARAN, J.

The petitioner submitted application for appointment to the post of Health Assistant / Sanitary Inspector, pursuant to the Notification dated 19 November, 2014. When it was found that her name was not included in the select list, dated 14 October, 2016, issued by the Directorate of Health and Family Welfare Services, she took a U turn and challenged the selection on the ground that she was not selected under the "Unreserved Category" notwithstanding the application made by her indicating that she belongs to "Other Backward Class" (OBC).

2. We have heard the learned counsel for the petitioner, learned Special Government Pleader (Services), Puducherry on behalf of the respondents 1 to 3 and the learned counsel for the 4th respondent.

3. The Directorate of Health and Family Welfare Services, Puducherry, issued a Notification dated 26 August, 2015 calling for applications for appointment to the post of Health Assistant. The selection shall be made based on 50% marks obtained in SSLC or its equivalent and 50% marks in Diploma in Sanitation or Diploma in Health Inspector Course.

4. The petitioner submitted application indicating that she belongs to OBC Category. However, she failed to enclose the certificate indicating her community status. The case of the petitioner was therefore considered under OBC category. She was called for certificate verification vide Memorandum dated 25 November, 2016. Though the petitioner submitted her certificates with regard to education and professional course, she failed to produce the community certificate. The petitioner was therefore not appointed under the OBC Category. The petitioner, thereafter, made a claim that she should have been considered

under the "Unreserved Category". The Original Application filed by the petitioner was dismissed by the Central Administrative Tribunal. The order is impugned in this writ petition.

5. There is absolutely no merit in the claim of the petitioner that she is eligible for appointment under the "Unreserved" Category, in view of her age. The petitioner was 32 years 3 months and 15 days as on the date on which notification was issued. The age limit in respect of General Category was fixed at 32 years.

6. The learned counsel for the petitioner contended that the petitioner is eligible for age relaxation on account of her seniority in the Employment Exchange. The said contention appears to be incorrect in view of the counter affidavit filed by the Employment Officer, Employment Exchange, Puducherry, indicating that the petitioner is not eligible for age relaxation.

7. The petitioner made an application under the OBC Category. The petitioner nowhere stated that her application was under General Category. It was only after the publication of select list, the petitioner changed her stand and contended that she should have been considered under the General Category. There is absolutely no merit in the contention taken by the petitioner. We are therefore of the view that the Tribunal was correct in dismissing the Original Application.

8. In the up shot, we dismiss the writ petition. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Union of India,
Union Territory of Puducherry,
Health and Family Welfare Services Dept.,
Government of Puducherry, Puducherry.

2. The Director,
Directorate of Health and Family Welfare Services,
Victor Simonel Street,
Old Maternity Hospital Building, Puducherry - 605 001.

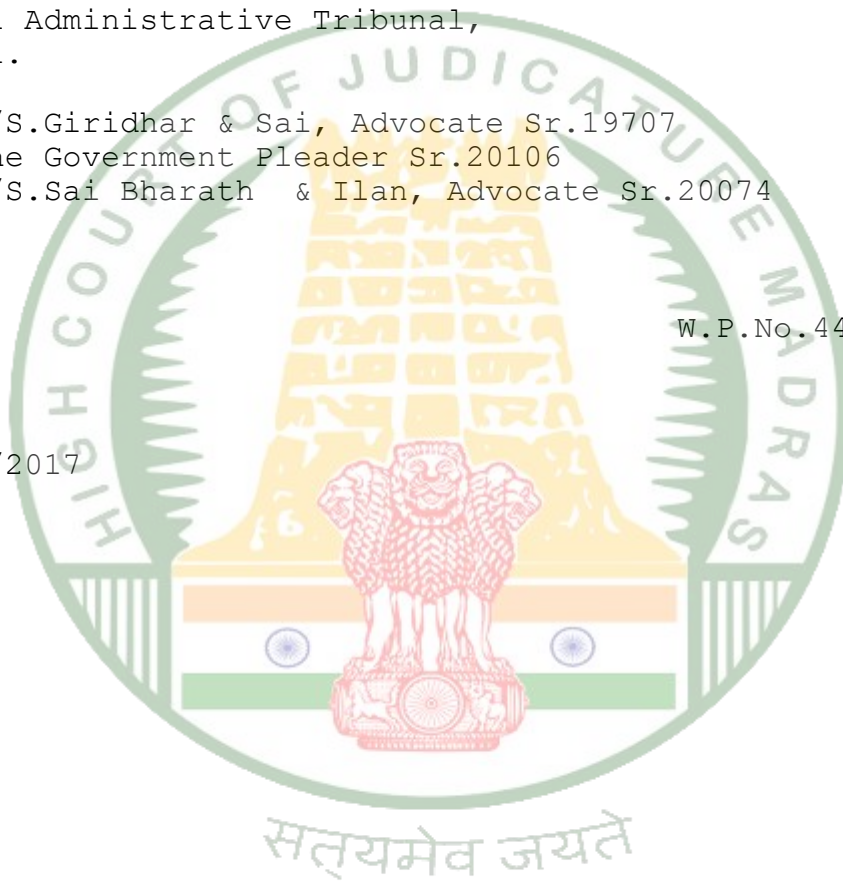
3. Employment Officer,
Employment Exchange,
Ground Floor, Labour Department Complex,
Gandhi Nagar, Vazhudavur Road, Puducherry.

4. The Registrar,
Central Administrative Tribunal,
Chennai.

+1cc to M/S.Giridhar & Sai, Advocate Sr.19707
+1cc to the Government Pleader Sr.20106
+1cc to M/S.Sai Bharath & Ilan, Advocate Sr.20074

W.P.No.44758 of 2016

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srg 19/06/2017



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