



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2017

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THE HONOURABLE MRS.JUSTICE **V.BHAVANI SUBBAROYAN**

W.P.(MD) No.11599 of 2014

S.Kanaka

...Petitioner

Vs.

1. The District Collector,
Ramanathapuram District.
2. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
3. The District Employment Officer,
Employment Office,
Ramanathapuram District.
4. The Tahsildar,
Paramakudi,
Ramanathapuram District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to consider and pass appropriate orders with regard to the appointment of Village Assistant at Keelaparuthiyur Panchayat, Paramakudi Taluk, Ramanathapuram District, based on the petitioner's representation dated 26.06.2014.

For Petitioner :Mr.M.Suresh

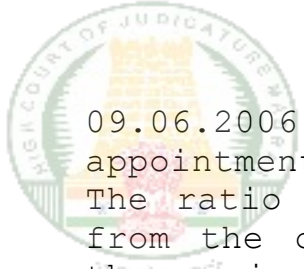
For Respondents :Mr.S.Kumar

Additional Government Pleader

O R D E R

The writ petition has been filed by the petitioner to direct the respondents to consider and pass appropriate orders with regard to the appointment of Village Assistant at Keelaparuthiyur Panchayat, Paramakudi Taluk, Ramanathapuram District, based on the petitioner's representation dated 26.06.2014.

2.The case of the petitioner is that she belongs to Hindu Backward Community and she completed her Higher Secondary course and registered with District Employment Office, Ramanathapuram on



09.06.2006. The respondents have issued notification for the appointment of Village Assistant in Keelaparuthiyur Panchayat. The ratio was fixed as 1:5, for recruitment of Village Assistant from the candidates sponsored by the Employment Exchange as per the seniority in the live register. The qualification was 8th standard pass. Petitioner's name was not sponsored by the District Employment Officer to the first respondent. In the meanwhile, one Vanitha W/o. Velmurugan name was sponsored for the said post and the said Vanitha was permanently residing at Tirupur District. But nearly seven years before, the said Vanitha was residing in the Keelaparuthiyur Village and she got family card in that address and subsequently, she shifted her residence along with her family members and she is having no residence at Keelaparuthiyur Village at present and the respondents have not considered the representation of the petitioner to appoint her in the said post eventhough she is qualified for the said post.

3.The learned Additional Government Pleader Produced all the records before this Court. As per the said record, it is to be seen that one Vanitha has passed 9th std., and failed 10th std., and her registration No in Employment Exchange is 2008F00745 S.F. 02.05.2008 RPD 2008 F 00000745 02.05.2008, who was selected as she belongs to the same Village. The minimum qualification was 8th std pass and the petitioner studied +2. Hence, the question to be decided is whether there is any upper qualification / ceiling has been fixed.

4.In the notification, the Educational qualification is as follows:

No person shall be eligible for appointment to the post unless he has passed V standard in a recognized School, namely School maintained by or opened with the sanction of the Government of Tamil Nadu or to which recognition has been accorded by the Director of School Education under the Tamil Nadu Education Rule with sufficient knowledge to read and write Tamil.

5.When the Court wanted the answer from the Additional Government Pleader, regarding the upper ceiling for the qualification, the learned Additional Government Pleader produced the letter in Letter (Ms.) No.631, dated 07.11.2008 from Principal Secretary to Government to The Principal Secretary / Commissioner of Revenue Administration, Chepauk, Chennai, pertaining to the qualification of the candidates to be appointed as Village Assistants, wherein it has been clearly stated that (i) regarding 1:5 ratio, it has been decided as per G.O.(MS) No.429, Revenue Department, dated 08.08.2007, (ii) regarding the minimum qualification of 5th standard pass for the post of Village Assistant, the maximum be fixed i.e., 10th fail as asked by the Special Commissioner and Commissioner of Revenue Administration and also (iii) regarding the age limit of the candidates above 35



years, it has been already clarified in Government Letter No.261/Ser-8(1)/07-1, Revenue, dated 23.02.2007.

6. In view of the above materials received and also on perusal of the records, this Court is of the opinion that the petitioner studied +2, which is over qualification and therefore, she is not eligible for appointment to the post of Village Assistant. Hence, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District.
2. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
3. The District Employment Officer,
Employment Office,
Ramanathapuram District.
4. The Tahsildar,
Paramakudi,
Ramanathapuram District.

+1cc to Spl.Government Pleader Sr.No.94741

MM

VB/SV/MMS/SAR2/28.03.2018/3P/6C

W.P.(MD) No.11599 of 2014
22.12.2017