

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.12.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.2685 of 2011
and
M.P.No.2 of 2011

K.Ezhumalai ... Petitioner

- Vs -

1. The District Collector,
Villupuram District.
2. The Tahsildar,
Ulundurpet Taluk,
Ulundurpet.
3. Jayakumar. K.
Village Assistant,
Sellur,
Ulundurpet Taluk. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 2nd respondent in Na.Ka.L1-11113/2010 dated 08.11.2010 to quash the same and to direct the respondents 1 and 2 to appoint the petitioner as Village Assistant.

For Petitioner : Mr.S.V.Karthikeyan
For Respondents 1 & 2 :Mr.A.Zakir Hussain, Govt. Advocate
For 3rd respondent : No Appearance

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O R D E R

According to the petitioner, the petitioner has registered his Bio-data in the District Employment Office for employment. A notification was issued by the 2nd respondent, calling for applications to the post of Village Assistant in u.Sellur Village, Ulundurpet Taluk. The candidate for the aforesaid post will be selected from the list of candidates sponsored by the District Employment Officer.

2. The petitioner participated in the interview conducted by the 2nd respondent on 13.09.2010. In the list submitted by the District Employment Officer, the petitioner was at Sl.No.5 and the 3rd respondent is at Sl.No.8. The maximum age limit for M.B.C., Candidate is 37 years. The candidature of the petitioner was rejected on the ground that his age is above 37 years, whereas the 3rd respondent who stood at Sl.No.8 in the list was selected. Hence, the petitioner has filed the present writ petition to set aside the impugned order.

3. In the counter affidavit filed by the 2nd respondent, it is stated that out of 7 candidates participated in the interview conducted by the 2nd respondent, the 3rd respondent was selected for the post of Village Assistant for u.Sellur Village in Ulundurpet Taluk. As per the G.O.Ms.No.521 Revenue (service vii(2) Dept., dated 17.06.1998 and G.O.Ms.No.21, Labour and Employment(N2) Dept., the petitioner is entitled for age relaxation and therefore, he was called for the interview. However, the petitioner had not submitted original documents viz., T.C., Mark Sheet. The 3rd respondent was selected on the basis of his performance in the interview.

4. Learned counsel for the petitioner submitted that the stand taken by the 2nd respondent in his counter affidavit filed before this Court is contrary to the order passed by the 2nd respondent. In the impugned order, it is stated that the petitioner was over aged. But, in the counter affidavit, the 2nd respondent has clarified that as per G.O.Ms.No.21(Labour and Employment (No.2.) Department, dated 02.02.2000, the petitioner benefits from the age relaxation. Therefore, he was called for interview. The said fact in the counter affidavit is contrary to the impugned order. The stand taken in the counter affidavit filed by the 2nd respondent is that though the petitioner has not produced the original documents such as Transfer Certificate and Mark Sheet at the time of interview, the 3rd respondent was selected based on his performance in the interview and the rest of the candidates were rejected.

5. The learned Government Advocate has produced records before this Court, but there is no other materials placed before this Court by the 2nd respondent to show that the selection made on the basis of the performance of the candidates. Therefore, the said contention of the respondents cannot be accepted.

6. The learned counsel for the petitioner would submit that at the time of interview, the petitioner has submitted relevant documents before the 2nd respondent. The petitioner denied the statement made in the counter that the petitioner had not produced original documents. Further, the learned counsel for the petitioner undertakes that the petitioner will

once again produce all the relevant documents and satisfy the authority for selecting him for the post of Village Assistant. There is no explanation from the 2nd respondent for rejecting the petitioner's application.

7. The petitioner being a senior than the 3rd respondent in the seniority list of the Employment Exchange, this Court is inclined to direct the 2nd respondent to send a communication to the petitioner to appear for the interview and produce all relevant documents before the 2nd respondent. The Petitioner shall satisfy the 2nd respondent with the relevant original documents namely listed as under:

1. Original Employment Card
2. Qualification Certificates
3. Caste and Address proof
4. Fitness Certificate
5. Ration Card
6. Proof of Age / School Transfer Certificate
7. Interview Call Letter

After production of the above said documents by the petitioner, if satisfied, the 2nd respondent is directed to issue an appointment order to the petitioner in any one of the existing future vacancy in the 2nd respondent's Office at Villupuram Taluk.

8. With the above direction, this writ petition is allowed and the impugned order passed by the 2nd respondent in Na.Ka.L1-11113/2010 dated 08.11.2010 is quashed. No costs. Consequently, connected miscellaneous petitions are closed.
ssn

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Villupuram District.

2. The Tahsildar,
Ulundurpet Taluk,
Ulundurpet.

+1cc to Mr.S.V.Karthikeyan , Advocate SR.No.88720
+1 CC TO GOVERNMENT PLEADER SR.NO. 27489

W.P.No.2685 of 2011
and
M.P.No.2 of 2011

A.SK(12/02/2019)