



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2018

CORAM:

THE HONOURABLE JUSTICE DR.G.JAYACHANDRAN

W.P.(MD).No.1344 of 2015

M.Macharani

... Petitioner

Vs.

1. The District Collector,
Sivagangai, Sivagangai District.
2. The Revenue Divisional Officer,
Sivagangai, Sivagangai District.
3. The Tahsildar,
Sivagangai, Sivagangai District.
4. The Village Administrative Officer,
Marathur Village, Sivagangai District.
5. Assistant Director,
District Employment Office,
Sivagangai, Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to Reserve a seat for the post of Village Assistant and give me an opportunity for Cycle Riding Test.

For Petitioner : No Appearance

For Respondents : Mr.J.Gunaseelanmuthiah,
Additional Government Pleader

O R D E R

There is no representation on the side of the petitioner herein. The case of the petitioner herein is that she was called for interview for the post of Village Assistant and she was directed to appear before the Revenue Divisional Officer on 29.09.2014, at Sivagangai. She participated in that interview, after verification of certificate in the Morning sessions, she was asked come after lunch to participate in the Cycle riding. When she was walking in the road to take her needs, she was hit by a motor cycle and suffered injuries. Hence she was not able to participate in the Cycle riding test on the said day. Thereafter, she has given a representation to the authorities and requested them that she will participate in the Cycle riding after recovery. After that one opportunity was given to her, hence this Writ Petition.

2. In the counter affidavit filed by the third and fourth respondents it is stated that the petitioner after certificate



verification on 29.09.2014, she did not attend the cycle riding test allotted in the afternoon. When it was reported that she was suddenly met with an accident and hospitalized another opportunity was given to participate in the Cycle riding test on 01.10.2014. Since the petitioner did not turned to the Cycle Test citing her pregnancy. The respondent was constrained to appoint the other qualified person in the said post. As a result, one V.A.Kaleeswaran, S/o.Chinnambalam, who was also belonging to the same village was appointed and he is continuing in service. Since the petitioner herein has not participated in the Cycle riding test, even after offering second opportunity to the petitioner. It is impossible to keep a post like Village Assistant in vacant for ever. Till the petitioner recovers, though the petitioner was given second opportunity to participate the Cycle riding test, she did not participate in the said post, which is forced. The respondent herein has appointed one V.A.Kaleeswaran, who is not impleaded as a party in the writ petition.

3.In such circumstances, this Court finds that there is no scope to issue mandamus as prayed in the writ petition. Hence, this Writ Petition is dismissed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The District Collector,
Sivagangai, Sivagangai District.
2. The Revenue Divisional Officer,
Sivagangai, Sivagangai District.
3. The Tahsildar,
Sivagangai, Sivagangai District.
4. The Village Administrative Officer,
Marathur Village, Sivagangai District.
5. Assistant Director,
District Employment Office,
Sivagangai, Sivagangai District.

+1cc to Mr.M.Mohammed Saleem, Advocate SR.No.97460

+1CC to Spl.Government Pleader SR.No.97081

das

MK/ES/RSK/SAR 2/26.12.2018/2P/8C

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W.P. (MD) .No.1344 of 2015

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