



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.12546 of 2018
and
W.M.P(MD)Nos.11415 and 11416 of 2018

M.Muneeswaran

... Petitioner

vs.

1. The Principal District Judge
Tirunelveli District,
Tirunelveli.
2. The District Employment Officer,
District Employment Office,
Kokkirakulam, Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the impugned order in A.No.591/2016, 68/2018, 69/2018, 123/2018 dated nil on the file of the 1st respondent insofar as rejection of petitioner candidature is concerned quash the same and further directing the 1st respondent to accept the candidature of the petitioner and permit to participate in the selection process to the post of night Watchman in pursuant to the notification of 1st respondent in A No.591/16, 68/18, 69/18 and 123/18 dated 13.04.2018.

For Petitioner	: Mr.R.Maheswaran
For Respondents	: Mr.T.S.Mohammed Mohideen for R1 Mr.A.K.Baskarapandian for R2 Special Government Pleader

O R D E R

(Order of the Court was made by T.RAJA, J.)

This writ petition has been filed challenging the impugned order dated nil on the file of the Principal District Judge, Tirunelveli, the first respondent herein in A.No.591/2016, 68/2018, 69/2018 and 123/2018, insofar as it relates to the rejection of the petitioner's candidature and to quash the same with a further direction to the first respondent to accept the petitioner's



candidature and permit to participate in the selection process to the post of night Watchman.

2. Learned counsel for the petitioner submitted that the petitioner belongs to the Scheduled caste Arunthathiyar community, studied upto 8th standard (ESSLC) and thereafter, he has registered the said qualification with the Employment Exchange, the second respondent herein and his seniority date is 18.12.1996. From the date of his registration, the second respondent has not sponsored his name to any public employment. In the meanwhile, the first respondent has issued the notification dated 13.04.2018 calling for applications from eligible candidates for various posts including the post of Night Watchman/Masalji. Pursuant to the said notification, the petitioner also applied for the same. But, in the notification, the age limit for Scheduled Caste Arunthathiyar category has been fixed as 35 years, whereas, the Government in G.O.Ms.No.21 dated 02.02.2000, has granted relaxation of age up to five years to those, who had registered their qualifications with the second respondent and were waiting for employment. Therefore, the claim of the petitioner is that while considering the petitioner's application for the post of Watchman/Masalji, the first respondent should also consider G.O.Ms.No.21 for granting the age relaxation, since the petitioner is 38 years old and he is entitled for five years age relaxation as per the said G.O. Concluding his argument, the learned counsel for the petitioner submitted that this Court, at the time of entertaining the writ petition, on 18.06.2018, has made it clear that any appointment to be made by the first respondent is subject to the result of the writ petition, therefore, a direction may be issued to consider the case of the petitioner by considering the G.O.Ms.No.21 dated 02.02.2000.

3. Learned standing counsel for the first respondent urging this Court to dismiss this writ petition on the ground that the first respondent, after issuing the notification dated 13.04.2018 inviting applications from the eligible candidates for the post of Watchman/Masalji, has selected eligible candidates and appointed them and therefore, without impleading them and without issuing notice to them, the prayer of the petitioner cannot be proceeded further. Learned counsel for the first respondent further submitted that the premise on which the present writ petition has been filed taking support from G.O.No.21, is wholly misconceived, inasmuch the benefit of the said G.O., can be availed of only in a case, where the first respondent sought to appoint candidates from the Employment Exchange.

4. In the present case, only after issuing notifications by inviting applications from the eligible candidates, the appointments have been made and therefore, the said G.O., cannot be made applicable to the present case at all and no one is sponsored through any Employment Exchange.



5. We are in full agreement with the said submissions. The reason is that the first respondent has issued notifications dated 13.04.2018 calling for applications from the eligible candidates, where no reference whatsoever has been made with regard to the applicability of G.O.Ms.No.21, since the said notification has been given without reference to the Employment Exchange. Therefore, we do not find any merit in the writ petition. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently connected Miscellaneous petitions are also dismissed.

Sd/

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS-I)

To

1. The Principal District Judge
Tirunelveli District,
Tirunelveli.
2. The District Employment Officer,
District Employment Office,
Kokkirakulam, Tirunelveli.

+1cc to Mr.T.S.MOHAMED MOHIDHEEN, Advocate, SR.No.77872

+1cc to Mr.G.PRABHU RAJADURAI, Advocate, SR.No.77938

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and

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