



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

And

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P (MD) No.17609 of 2018

and

WMP (MD) Nos.15483 & 15484 of 2018

T.Narayanamoorthy

... Petitioner

vs.

The Principal District Judge,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the Impugned order in A No.591/16, 68/18, 69/18 and 123/2018 dated Nil on the file of the Respondent in so far as rejection of petitioner candidature is concerned quash the same and further directing the Respondent to accept the candidature of the petitioner and permit him to participate in the selection process to the post of night watchman / massalchi in pursuant to the notification of Respondent in A No.591/16, 68/18, 69/18 and 123/2018 dated 13.04.2018.

For Petitioner	: Mr.G.Prabhu Rajadurai
For Respondent	: Mr.K.Samidurai

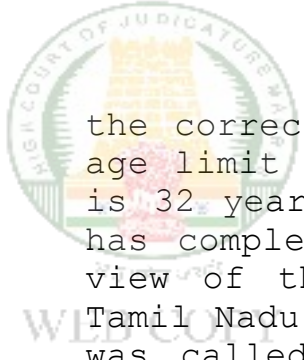
ORDER

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

This writ petition is directed against the impugned proceedings passed in A No.591/16, 68/18, 69/18 and 123/2018 dated Nil by the Principal District Judge, Tirunelveli District, rejecting the candidature of the petitioner stating that he is above the prescribed maximum age limit for the post of Night Watchman cum Masalchi.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The learned counsel appearing for the petitioner assailing



the correctness of the impugned order, submitted that the maximum age limit for the post of Xerox Operator, Night Watchman/Masalchi is 32 years and that cannot be put against the petitioner, as he has completed his 12th standard in the year 2015 and besides, in view of the application of the provision of Rule 12(d) of the Tamil Nadu State and Subordinate Service Rules, the petitioner who was called for interview for the post of Xerox Operator should have been interviewed and subsequently selected, although he is aged about 38 years.

3.It is at this stage, the learned counsel appearing for the respondent urging this Court to dismiss the writ petition submitted that the petitioner has come to this Court so belatedly without even knowing that the selection process was over long time back and consequently, the selected candidates were appointed issuing the provisional appointment order. Since the petitioner has not questioned the correctness of the provisional appointment order, the prayer in the writ petition has become infructuous. We fully agree with this submission.

4.When the respondent has issued the provisional appointment order appointing various persons as Night Watchman/Masalchi carrying the scale of pay of Rs.4800-10000+Grade Pay Rs.1300/-, the same has not been questioned. More over when the third party interests are created, they should be impleaded as necessary parties, which has not been done, therefore, we find no merit in this writ petition. Accordingly, this writ petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Principal District Judge,
Tirunelveli District,
Tirunelveli.

+ 1 CC TO Mr.G.PRABHU RAJADURAI, ADVOCATE IN SR No. 77690

RJ2

TE/KAK/SAR-4 : 27/08/2018 : 2P/3C