



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2018

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.22463 of 2018

V.Pushpa Priya

... Petitioner

Vs.

1. The Joint Commissioner of Commercial Taxes
Madurai Division,
Madurai - 625 020.

2. The Deputy Commissioner of Commercial Taxes,
Madurai East Commercial Tax District,
Madurai.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 2nd respondent to receive the documents such as 8th standard mark sheet obtained from the school authorities and consequently direct the 2nd respondent to consider the case of the petitioner for appointment of Office Assistant by considering her representation dated 25.06.2018.

For Petitioner	: Mr.N.Sathish Babu
For Respondents	: Mr.M.Pandiarajan Addl.Govt.Pleader

ORDER

The petitioner has come forward with the present Writ Petition for issuance of a Writ of Mandamus, to direct the 2nd respondent to receive the documents such as 8th standard mark sheet obtained from the school authorities and consequently direct the 2nd respondent to consider the case of the petitioner for appointment of Office Assistant, by considering her representation, dated 25.06.2018.

2. Mr.M.Pandiarajan, the learned Additional Government Pleader takes notice for the respondents.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a + 2 candidate followed by Diploma in First Aid & Practical Nursing Course. When the petitioner made an application for the post of Office Assistant, pursuant to the advertisement made by the respondent, it was rejected on the ground that 8th Standard Certificate was not enclosed along with the



application, as the qualification for the said post is 8th Standard.

4. The sum and substance of the case of the petitioner is that the request of the petitioner was not considered, on the ground that the petitioner was not enclosed 8th Standard certificate. Admittedly, the petitioner is a + 2 candidate followed by Diploma in First Aid & Practical Nursing Course. Without clearing 8th Standard, 10th Standard and Plus Two, the petitioner could not have entered in the Diploma Course. The petitioner stated that she has studied through regular stream. That being the case, there is no need for any one to produce the 8th Standard certificate, if they have cleared 10th Standard and above. The non-enclosure of 8th Standard certificate is not a material for the selection to the said post of Office Assistant, as the petitioner is a Diploma Holder. That apart, the petitioner has enclosed the 8th standard certificate in the present writ petition.

5. In the light of the above, the 2nd respondent is directed to accept the 8th Standard certificate sent by the petitioner on 25.07.2018 and consider her candidature in the selection process for the post of Office Assistant, if she is otherwise eligible.

6. In the result, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Joint Commissioner of Commercial Taxes
Madurai Division,
Madurai - 625 020.

2. The Deputy Commissioner of Commercial Taxes,
Madurai East Commercial Tax District,
Madurai.

+ 1 CC TO Mr.N.SATHISH BABU, ADVOCATE IN SR No. 94105
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 94445

MPK

TE/BK/SAR-2 : 13/12/2018 : 2P/5C

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