BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.19653 of 2018
and
W.M.P(MD)No.17434 of 2018

R.Shanmuga Pradeepa .. Petitioner

Vs.

The Deputy Commissioner(State Tax),
Commercial Taxes Department,
Madurai East Office,
Commercial Tax Building,
Dr.Thangaraj Salai,
K.K.Nagar,
Madurai -625 020. .. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondent to accept the Petitioner's application dated 9.3.2018 and consequently to call for the Petitioner for the interview to the post of Office Assistant in the respondent's Office by accepting the Petitioner's 8th standard marks statement, submitted along with the Petitioner's representation dated 7.9.2018.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondent : Mr.S.Dhayalan
Govt.Advocate

O R D E R

This Writ Petition has been filed, seeking for a direction to the respondent to accept the Petitioner's application dated 9.3.2018 with the consequential relief of calling the Petitioner for the interview to the post of Office Assistant in the respondent's Office by accepting her 8th standard marks statement, submitted along with her representation dated 7.9.2018.

2.Mr.S.Dhayalan, learned Government Advocate takes notice for the respondent. By consent of both parties, the main Writ Petition itself is taken up for final disposal at the stage of admission.

3.The case of the petitioner is that the Petitioner has made a representation to the respondent on 7.9.2013 along with the copy of

8th standard mark statement for considering her candidature, while processing her application for the post of Office Assistant in the respondent's Office.

4.It is unfortunate that within two days of sending such application and even before receipt of such application by the concerned authority, the Petitioner has come up with the present Writ Petition. That apart, the Petitioner has approached this Court with mere apprehension that in the event of non-production of 8th standard certificate, her candidature will be rejected.

5.A glance at the advertisement made in Thinathanthi, dated 28.2.2028 is very clear that the applicant should possess a minimum qualification of 8th standard and the Petitioner has duly cleared 10th and 12th standards in proper sequence. When she had enclosed 12th standard certificates, it is not mandatory that 8th standard certificate must be enclosed along with the application, which is not specifically contemplated in the above advertisement. A reading of Clause No.15 of the advertisement reveals that self-attested copies of the documents are to be filed and the applications which were not duly filled in and not submitted before 15.3.2018 will be rejected. As the Petitioner has cleared 10th and 12th standard in the manner prescribed, there is no need to produce the 8th standard certificate and therefore no direction shall be given based on apprehension and surmises and the Writ Petition is liable to be dismissed.

6.Accordingly, the Writ Petition is dismissed as pre-mature. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/
Assistant Registrar(AD-II)

/True copy/

Sub Assistant Registrar(CS-II)

To:
The Deputy Commissioner(State Tax),
Commercial Tax Department,
Madurai East Office,
Commercial Tax Building,
Dr.Thangaraj Salai,
K.K.Nagar,
Madurai -625 020.
+1cc to Mr.M.S.JEYAKARTHIK, Advocate, SR.No.83953
+1cc to M/s.Special Government Pleader,SR.No. 84071

W.P.(MD) No.19653 of 2018
and
W.M.P(MD)No.17434 of 2018
11.09.2018

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