



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.3334 of 2011

and

M.P (MD) No.1 of 2011

K.Suresh

... Petitioner

Vs

1. The District Collector,
Pudukkottai District,
Pudukkottai.

2. The Tahsildhar,
Kulathur Taluk,
Keeranoor,
Pudukkottai District.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in Na.Ka.No.10051/2009/A3 dated 11.09.2009 and quash the same and consequently directing the second respondent to appoint the petitioner to the post of Village Assistant by following the rule of reservation and on the basis of the Tamil Nadu Village Servant Service Rules 1980 and Rule 21 (d) of the Tamil Nadu State and Subordinate Service Rules.

For Petitioner : Mr.B.Saravanan

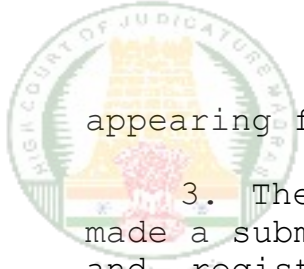
For Respondents : Mr.M.Muthu

Additional Government Pleader

ORDER

The order of rejection issued by the second respondent vide proceeding dated 11.09.2009 is under challenge in this writ petition. Further direction is sought for to appoint the writ petitioner to the post of Village Assistant by following the rule of reservation and on the basis of Tamil Nadu Village Servant Service Rules, 1980 and Rule 21(d) of the Tamilnadu State and Subordinate Service Rules.

2. Heard, Mr.B.Saravanan, learned counsel appearing for the petitioner and Mr.M.Muthu, learned Additional Government Pleader



appearing for the respondents.

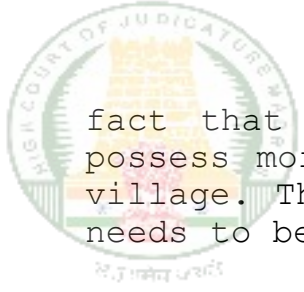
3. The learned counsel appearing on behalf of the petitioner made a submission that the writ petitioner had completed 6th standard and registered his name in the District Employment Exchange, Pudukkottai, on 16.02.2007. The name of the writ petitioner was specified for appointment to the post of Village Assistant. The writ petitioner has participated in the interview and was not selected.

4. The learned counsel appearing for the petitioner states that earlier the petitioner filed W.P.(MD)No.8137 of 2007 and this Court directed the respondents to consider the representation. However the respondents considered the case of the writ petitioner and rejected the same vide proceeding dated 11.09.2009. The impugned order states that the writ petitioner was not selected and further he was not a resident in the nearby village. This apart, it is stated that as per the roaster, the post was reserved for women and therefore the petitioner cannot be accommodated in the said place.

5. The learned Additional Government Pleader appearing on behalf of the respondent, relying on the counter affidavit filed by the second respondent, stated that the petitioner was also one of the candidate called for interview on 07.09.2007 for the post of Village Assistant. However, he was not selected and one Smt.Kavitha belonging to Moottampatti village was selected on merits. The said Smt.Kavitha is a native / resident of Moottampatti village, which is one of the notified village. Further it is admitted in the counter affidavit that the petitioner has got all the qualifications, however the said Smt.Kavitha is a local resident of the notified village and she is the senior in seniority of employment registration. This apart, the petitioner belongs to Vaithur village, which is another village in Vattam. Therefore the said Smt. Kavitha was selected and appointed.

6. This apart, the said Kavitha had passed 7th standard and the writ petitioner has passed 6th standard. In employment seniority also, Smt.Kavitha is senior to the writ petitioner, she had registered her name on 24.01.2006 and the petitioner had registered his name only on 16.02.2007. As per the Rules of Reservation, the village is reserved for GT(NP) Women, as there is no women belonging to other community, the women belong to BC was considered to such place. In this view of the matter, the said Smt.Kavitha was selected and appointed vide proceeding dated 09.09.2007 and she is now working.

7. In view of the facts and circumstances narrated, this Court is of the opinion that the petitioner was rightly rejected as an unsuccessful candidate. Even on verification of the comparative statement, made between the writ petitioner and the appointed candidate Smt.Kavitha, this Court is of the opinion that, in all respects, the said Smt.Kavitha stands on merits. In view of the



fact that she is the senior in the employment registration, she possess more qualification and further she is a resident of nearby village. This being the factum of the case no further consideration needs to be shown in respect of the present writ petition.

8. Accordingly, this writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Pudukkottai District,
Pudukkottai.
2. The Tahsildhar,
Kulathur Taluk,
Keeranoor,
Pudukkottai District.

+ 1 CC TO Mr.B.SARAVANAN, ADVOCATE IN SR No. 45619
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 45958

PNN
TE/KKR/SAR-2 : 20/02/2018 : 3P/5C

W.P(MD)No.3334 of 2011 and
M.P(MD)No.1 of 2011

31.01.2018