



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.8003 of 2011
and
M.P(MD)No.1 of 2011

S.Ganesan

... Petitioner

Vs

1.The District Collector,
Collectorate,
Ramanathapuram District.

2.The Tahsildar,
Office of Tahsildar,
Mudhukulathur Taluk,
Ramanathapuram District.

3.The District Employment Officer,
District Employment Office,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondent No.2 to call the petitioner for the Post of Village Assistant and appoint him in the post.

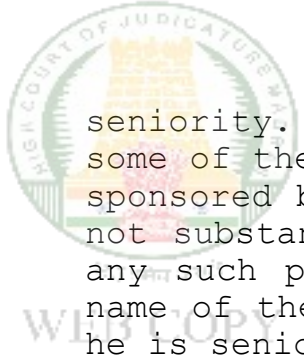
For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Muthu,
Additional Government Pleader

ORDER

The relief sought for in this writ petition is for a direction to direct the second respondent to call the petitioner for the Post of Village Assistant and appoint him in the said post.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is fully qualified for appointment to the post of Village Assistant. However, his name was not sponsored in spite of the fact that he is a senior in employment



seniority. Though the learned counsel for the petitioner states that some of the junior to the petitioner in the Employment seniority was sponsored by the District Employment Office, the said contention is not substantiated in the present writ petition. In the absence of any such proof, this Court cannot come to the conclusion that the name of the writ petitioner was not sponsored despite the fact that he is senior in employment seniority.

3.Appointment can never be claimed as a matter of right. The sponsorship of the names are to be provided in accordance with employment registration seniority by the District Employment Office. However, the writ petitioner has not established that there is any violation in regard.

4.The learned Additional Government Pleader appearing on behalf of the respondents made a submission by relying counter affidavit filed by the second respondent that the writ petitioner was already sponsored in earlier occasion on 02.11.2010 and he was not selected. Therefore, the writ petition deserves to be rejected. The details in this regard are enumerated in paragraph 4 of the counter, which is extracted hereunder:-

"4.It is humbly submitted that, the vacancies of Village Assistants the District Employment Officer, Ramnad was requested to send list of persons to fill up 19 vacancies of Village Assistants in Mudukulathur Taluk as per Government norms including rule of reservations. The District Employment Officer sent a list of 83 persons based on the list sponsored by District Employment Officer, call letters were sent to 77 including this petition. Interview was held on 02.11.2010 and only six vacancies were filled up as per instructions of higher officials As per Government instructions, a person belonging to same Village has to be given preference. Though the petitioner is a native Sellur Group, another person Tr.Sathiyamoorthi who belongs to S.C.Community and senior than this petitioner as per Employment Office list has been selected. His seniority year is 1986 whereas the petitioner's seniority is 1989. For the remaining 13 vacancies further list was called for from Employment Exchange and notices sent to the individuals for interview on 11.07.2011. In the list furnished by the Employment Exchange, the name of the petitioner has not been included. Hence, noticed the call letter not sent to the individual as the appointing Authority should go as per Employment Exchange list."

5.In this view of the matter, the petitioner has not established any right so as to consider his case for grant of direction as such sought for in this petition.

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

6.Accordingly, the writ petition stands dismissed. However,



there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar(Crl side)

/True copy/

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Sub Assistant Registrar

To

- 1.The District Collector,
Collectorate,
Ramanathapuram District.
- 2.The Tahsildar,
Office of Tahsildar,
Mudhukulathur Taluk,
Ramanathapuram District.
- 3.The District Employment Officer,
District Employment Office,
Ramanathapuram District.

+1cc to Mr.T.LAJAPATHI ROY, Advocate, SR.No. 57019
+1cc to M/s.Special Government Pleader,SR.No. 57319

W.P (MD) No.8003 of 2011
21.03.2018

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KK/JC/09.04.2018/SAR-1/3P-6C