

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.32748 of 2019 and
W.M.P.Nos.33171 & 33172 of 2019

C.Devan

... Petitioner

Vs.

The Revenue Tahsildar,
Tirukovilur Taluk,
Villupuram District-605 757.

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings in Na.Ka.A3/1040/2018 dated 11/04/2018 on the file of the respondent and quash the same as illegal, incompetent, ultra virus and consequently direct the respondent to appoint the petitioner in the post of Village Assistant.

For Petitioner : Ms.A.Jayanthi

For Respondent : Mr.R.S.Selvam
Government Advocate

ORDER

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that the petitioner completed his 10 Std. and he belongs to Schedule Caste. The petitioner enrolled his name in the District Employment Exchange at Villupuram on 22.01.1991. While so, the respondent called for eligible candidates to appear in the selection process vide proceeding No.Na.Ka.A3/1040/2018 dated 11.04.2018 for filling up vacancies in the post of Village Assistant, Thirukovilur Taluk, Villupuram District. The vacancies were notified in Thirukovilur Taluk and the minimum educational qualification for recruitment to the post of Village assistant is 5th Std. to 10 Std. fail. The petitioner was not appointed. Challenging the same, the petitioner has filed this writ petition.

3. The learned counsel appearing for the petitioner would submit that one Mr.Sundar, who belongs to Backward Community aged about 34 years was initially based on his performance in interview as well as based on criminal records, but subsequently he was appointed for the said post. Likewise, he would also referred other selected candidates who were actually not qualified, but were selected. He would also submit that the petitioner is entitled to the benefit of age relaxation by virtue of G.O.Ms.No.21, which was not extended to him. He would submit that the persons who were not eligible, have been selected while the petitioner was not selected. Hence, he seeks to grant the relief as sought for.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent.

5. Having participated in the selection and being unsuccessful, the petitioner has come forward with the present Writ Petition, pointing out the deficiencies of the selected candidates and challenging the interview call letter, dated 11.04.2018 issued to him. In fact, having received the interview letter, he attended the interview. It is pertinent to note that the petitioner has not challenged the selection list of the candidates, but pointed out that the selection process in selecting the candidates is bad. Therefore, this Court does not find any merit to entertain the present Writ Petition. It is a settled proposition of law that an unsuccessful candidate cannot question the selection. In "TRIVEDI HIMANSHU GHANSHYAMBHAI vs. AHMEDABAD MUNICIPAL CORPORATION AND OTHERS" reported in [2007 (7) SUPREME 438], the Honourable Apex Court has held that the candidates who became unsuccessful in the selection process have no locus standi to challenge the selection list'. Therefore, being unsuccessful, the petitioner has no locus standi to maintain the present Writ Petition. Therefore, the Writ Petition is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. However, liberty is given to the petitioner to workout his remedy in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

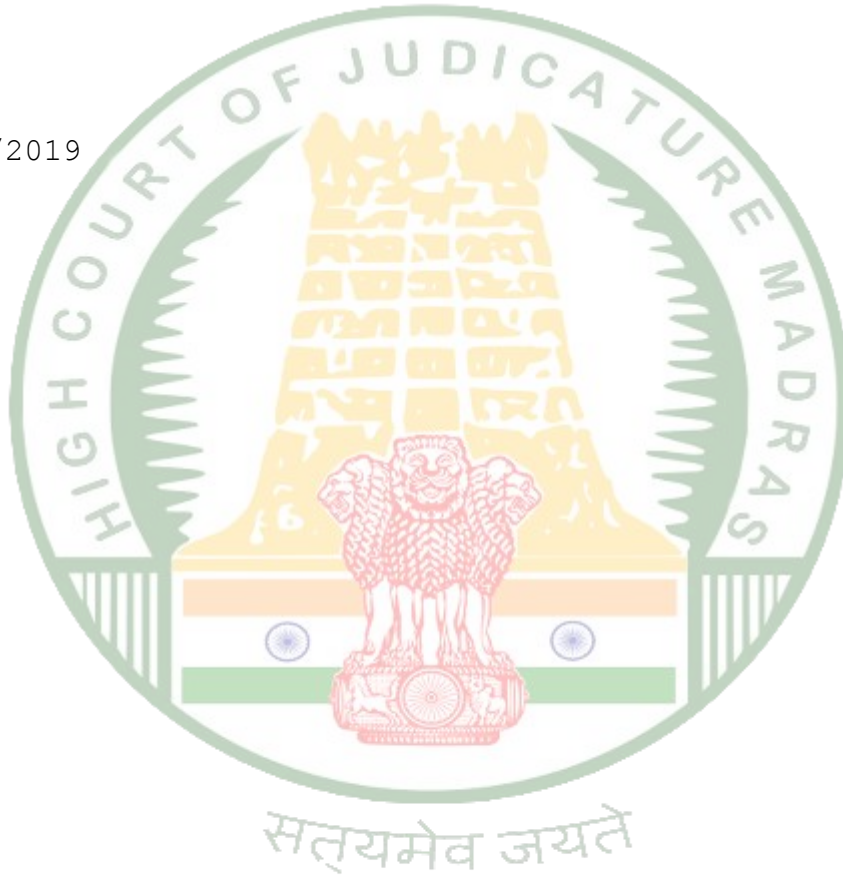
To

The Revenue Tahsildar,
Tirukovilur Taluk,
Villupuram District-605 757.

+lcc to the Government Pleader Sr.98052

W.P.No.32748 of 2019

sj[col]
srg 31/12/2019



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