



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No.2918 of 2013

and

M.P. (MD) .Nos.1 and 2 of 2013

C.Jesuraj

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Tirunelveli District.

2.The District Employment Officer,
O/o.The District Employment Officer,
Tirunelveli District.

3.The Tahsildar,
Sankarankovil Taluk Office,
Sankarankovil,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in O.Mu.A5/6632/2012 dated 04.09.2012 on the file of the respondent No.3 and quash the same as illegal and consequently, direct the respondent Nos.2 and 3 to consider the petitioner for appointment to the post of Village Assistant in Sankarankovil Taluk, Tirunelveli District within the time stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For R1 to R3 : Mr.C.Ramar

Additional Government Pleader

ORDER

The order rejecting the candidature of the writ petitioner for appointment to the post of Village Assistant on the ground that the writ petitioner is over aged, is under challenge in the present writ petition.

2.The learned counsel for the writ petitioner states that the writ petitioner registered his name in the Employment Exchange in the year 1996. Though the writ petitioner belong to Schedule Caste Community, she could not able to secure any opportunity for appointment to any post for many years. When his name was



sponsored for appointment to the post of Village Assistant during the year 2010, his case was rejected on the ground that he was over-aged.

3. The learned counsel for the writ petitioner states that many other candidates, who had registered their names subsequent to the writ petitioner were appointed in other posts. Therefore, the case of the writ petitioner also to be considered for appointment to any suitable posts.

4. The learned Additional Government Pleader appearing on behalf of the respondents made a submission that the case of the writ petitioner was rightly rejected with reference to his age. The details and qualifications as per the records are narrated in the counter affidavit, which is extracted hereunder:

"It is submitted that the petitioner registered his qualification in the office of 2nd respondent namely District Employment Office, Tirunelveli and as per the records available in that office his registration particulars as under:

Name : C.JESURAJ

Date of Birth: 25.10.1979

Registration No: TND1996M00007065

Address : S/o. O.K. Chelliah

*No. 2/161, South Colony Street,
Sangupatti Village,
Thiruvankadam Post,
Sankarankoil Taluk,
Tirunelveli Dist.*

Category : BC

Qualification: (BSSLC) X0210SF30.06.1988

Registered with: Driver Light 986.40 SF 5.12.91

Driver Heavy 986.60 SF 24.6.1996

It is submitted that during the year 2012 notification for the post of Thalayari that is Village Assistant was received from Thasildar Sankarankoil and sponsored candidates to the employer for the particular vacancy strictly followed by the age limit and reservation given by the employer in the notification form. It is further submitted the age limit prescribed by the Employer was 30 years for OC and 35 years for others. It is further submitted that the candidate comes under over aged category. Copy of the notification form enclosed herewith. Hence, the petitioners name was not sponsored to the Employer."

5. In view of the fact that the name of the writ petitioner was not even considered on the ground of age limit, the respondents are not at all responsible for not considering the name of the writ



petitioner.

6. Even if the complaint of the writ petitioner is to be considered, the petitioner has to establish that any of his junior in employment seniority had already been sponsored with reference to his qualification, the post for which, he is eligible and other details. Contrarily, a blanket statement has made in the affidavit that the Employment Exchange has sponsored some other names under the SC category, cannot be considered by this Court. Even the Schedule Caste category considered for sponsoring the name based on the nature of the post for their educational qualification and other criteria.

7. This being the factors to be considered while sponsoring the name of the candidates, the very allegation in the affidavit will not be a ground to allow the writ petition as prayed for. Under these circumstances, the writ petitioner has not established even a semblance of legal rights so as to consider the relief as such sought in the present writ petition. If at all if the writ petitioner wants to secure public employment, he has to participate in the process of selection through open competitive process or if his name is sponsored in accordance with his seniority in the Employment Exchange.

8. With the above observations, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

Ns

To

1. The District Collector,
Collectorate,
Tirunelveli District.

2. The District Employment Officer,
O/o. The District Employment Officer,
Tirunelveli District.



3.The Tahsildar,
Sankarankovil Taluk Office,
Sankarankovil,
Tirunelveli District.

+1CC TO MR.T.LAJAPATHI ROY, Advocate Sr. No.75635
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.75677

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and
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GKG (CO)
TR (24.07.2019) 4P 6C