



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.7796 of 2014

S.Vijaya Anthony

... Petitioner

vs.

1.The District Collector
Virudhunagar District
Virudhunagar

2.The Revenue Divisional Officer
Virudhunagar & Sivakasi
Virudhunagar District

3.The District Employment Officer
Virudhunagar District
Virudhunagar

4.M.Ulaganathan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.A3/22543/2011 dated 14.03.2012 and quash the same as illegal, arbitrary and unconstitutional and consequently direct the 1st respondent to appoint the petitioner in the place of the 4th respondent as Office Assistant.

For Petitioner : Mr.M.R.Srinivasan
for Mr.S.Sukumar

For Respondents : Mr.D.Muruganantham
Additional Government Pleader for R1 to R3
Mr.G.Marimuthu for R4

O R D E R

The order, dated 14.03.2012, passed by the first respondent, appointing the fourth respondent as Office Assistant in the second respondent Office is under challenge in the present writ petition. Further direction is also sought for to the first respondent to appoint the writ petitioner in the place of the fourth respondent as Office Assistant.

<https://hcservices.ecourts.gov.in/hcservices/> 2. At the outset, it is pertinent to state that this Court, by order dated 21.11.2017, passed in W.P.No.23807 of 2013, has considered the similar issue. The said order is extracted



hereunder for reference:

"The order of rejection issued by the 1st respondent in respect of the claim of the writ petitioner for appointment to the post of Veterinary Inspector is under challenge in this writ petition.

2. The learned counsel appearing for the writ petitioner states that the writ petitioner has passed Higher Secondary Course Examination during the year 1986 and registered his name in the District Employment Exchange, Salem on 23.09.1986. The petitioner states that the lands belongs to his father had been acquired by the Government of Tamil Nadu for providing house sites to the Adi Dravidars and by proceedings dated 12.12.2001, the Special Tahsildar (Adi Dravidar Welfare) Omalur, has certified that the petitioner is entitled for the Land Acquisition Priority in public employment as per the provisions of G.O.Ms.No.188 (Personnel and Administrative Reforms Department) dated 28.12.1976. The certificate issued by the Special Tahsildar was also endorsed by the District Employment Exchange in the Employment card of the petitioner. However, the case of the petitioner has not been considered.

3. The writ petitioner earlier filed WP.No.22257 of 2008 and this Court passed an order on 29.07.2009, directing the respondents to recommend the name of the writ petitioner, if he is otherwise eligible for the post of Veterinary Inspector as per the press statement published in #Dinamalar# daily dated 14.07.2008. Pursuant to the order passed by this Court in the said writ petition, the respondents issued an order dated 24.12.2009 which is impugned in this writ petition.

4. The order impugned states that as on 01.07.2007, the writ petitioner has crossed 37 years of age and therefore, he is over aged and not eligible for appointment to the post of Veterinary Inspector. Further, he cannot claim any appointment for the post of veterinary Inspector.

5. This Court is of the opinion that the terms, conditions and the educational qualifications, which are prescribed for recruitment cannot be dispensed with. The competent authorities in this regard are bound by the recruitment rules in force and the same



WEB COPY

ought to be followed scrupulously.

6. Equal opportunity in public employment is a constitutional mandate. Relaxation in respect of educational qualification or age cannot be granted to the candidates who appeared in the process of selection in respect of the rules in force. The authorities competent are bound to adhere the same at the time of considering the application for participating in the selection process. In the case on hand, it is stated that the writ petitioner was over aged as on 01.07.2007. As per the affidavit filed by the writ petitioner in this writ petition he was aged about 45 years in the year 2003 and at present he may be about 58 or 59 years. Now the writ petitioner cannot be considered for appointment to the post of Veterinary Inspector, more specifically, at the age of 58 years and the authorities competent are bound to follow the recruitment rules in force.

7. This being the factum of the case, no further adjudication needs to be undertaken on the grounds raised in this writ petition and accordingly the writ petition stands dismissed. Consequently connected miscellaneous petition is also closed."

3. In view of the above order passed by this Court, the present writ petition stands dismissed. However, the writ petitioner is at liberty to participate in the ensuing recruitments, if any notified, in accordance with the terms and conditions. No costs.

Sd/-

Assistant Registrar(T & P)

// True Copy //

Sub Assistant Registrar(CS)

krk

To:

1.The District Collector,
Virudhunagar District,
Virudhunagar.



2.The Revenue Divisional Officer,
Virudhunagar & Sivakasi,
Virudhunagar District.

3.The District Employment Officer,
Virudhunagar District,
Virudhunagar.

+1CC TO MR.A.MOHAN, Advocate Sr. No.73828

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 73812

W.P. (MD) No.7796 of 2014

04.07.2019

AL(CO)

TR (15.07.2019) 4P 6C