



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2019

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.17291 of 2014

and

M.P. (MD) .No.1 of 2014

WEB COPY

T.Mariappan

... Petitioner

Vs.

1.The Commissioner,
Puliyangudi Municipality,
Tirunelveli District.

2.The Chairman,
Puliyangudi Municipality,
Puliyankudi Sivagiri Taluk,
Tirunelveli District.

3.D.Johnsy Rani

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 1st respondent in Na.Ka.No.209/2013/C1, dated 16.09.2013 and to quash the same and to consequently direct the first respondent to appoint the petitioner as Revenue Assistant in the BC-GL Priority category in pursuance to the certificate verification held on 18.07.2013.

For petitioner	: Mr.H.Arumugam
For respondents 1 & 2	: Mr.M.Dilipkumar
For 3 rd respondent	: Mr.R.Gowrishankar

ORDER

This writ petition has been filed by the petitioner challenging the appointment order of the third respondent and for a consequential direction to the first respondent to appoint the petitioner in the post of Revenue Assistant in the Backward Class General Category.

2. The learned counsel for the petitioner submitted that the petitioner belongs to Backward Class - General (Priority) category as he has lost both his father and mother. The District Employment Exchange sponsored his name in Backward Class - General (Priority) category to the first respondent for appointment to the post of Revenue Assistant. Based on the call letter dated 09.07.2013, he appeared before the first respondent on 18.07.2013 and attended interview. The petitioner was under the hope that he would be appointed in the said post as he has performed well, out of five



candidates attended in the interview. On 29.08.2013, the petitioner came to know that the third respondent was appointed by the first respondent in the said post for the category of BC -GL(P). After a long battle through RTI Act, the petitioner has obtained a copy of the impugned order. As the appointment of the third respondent is made by the first respondent, without considering the seniority of the petitioner in the employment exchange, the petitioner has filed the present writ petition for the aforesaid prayer. Thus, he prayed this Court to set aside the impugned order and to appoint him in the said post.

3. The learned counsel appearing for the respondents in unison submitted that the third respondent also belongs to Backward Class-General (Priority) category as she is a destitute widow. The Appointment Committee recruited the third respondent, based on her qualification and performance in the interview, out of five candidates sponsored by the Employment Exchange in the said category. Therefore, they prayed to dismiss this writ petition.

4. Heard the learned counsel for both sides and perused the records carefully.

5. Admittedly, both the petitioner and the third respondent belong to one and the same category ie., Backward Class - General (Priority) category. Out of five candidates sponsored by the Employment Exchange in the said category, the third respondent was selected to the post by the Appointment Committee of the first respondent. Merely because, the petitioner is a senior candidate in the employment exchange registration, he cannot claim that he ought to have been selected. If the claim of the petitioner is taken into account, then there would not be any necessity for conducting any selection process and the senior candidate in the employment exchange would straightaway be appointed. But, for selecting the meritorious candidates, the first five senior most candidates sponsored by the Employment Exchange, in which, the Appointment Committee of the first respondent selected the third respondent as meritorious candidate and appointed her. The petitioner has not shown any irregularity in the appointment of the third respondent. There is no merit in the writ petition. Hence, this writ petition is liable to be dismissed.

6. In the result, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (Records)

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/ /2020

Sub Assistant Registrar(CS)



+1 CC to Mr.N.DILIP KUMAR, Advocate (SR-104925[F] dated 13/12/2019)

+1 CC to Mr.R.GOWRI SHANKAR, Advocate (SR-104799[F] dated 13/12/2019)

+1 CC to Mr.H.ARUMUGAM, Advocate (SR-104887[F] dated 13/12/2019)

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