



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2019

CORAM:

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

W.P. (MD)No.14739 of 2015

and

M.P(MD)Nos.1 & 2 of 2015

Devi

... Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

3.M.Thenarasu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent order dated 05.08.2015 in Na.Ka.No.P2/19000/2014 and quash the same and consequently direct the respondents 1 and 2 to appoint the petitioner for the post of Village Assistant at Keezhapoongudi Village.

For Petitioner : Mr.P.Thirumahilmaran
For R1 & R2 : Mr.K.Mu.Muthu,
Additional Government Pleader

For R3 : Mr.G.R.Satish

ORDER

The appointment of the third respondent as Village Assistant in Keezhapoongudi Village is under challenge in the present writ petition.

2.The petitioner states that she is fully qualified for appointment to the post of Village Assistant. She appeared before the second respondent on 29.05.2015 along with original



certificate. The writ petitioner is a differently able person. After participating in the process of interview, the writ petitioner was waiting for an appointment, however, she came to know that the third respondent was appointed as Village Assistant in Keezhapoongudi Village. Thus, the writ petitioner is constrained to move the present writ petition.

3.It is pertinent to note that the writ petitioner had not even participated in the process of interview for appointment to the post of Village Assistant in Keezhapoongudi Village. In fact, the writ petitioner had participated in the interview for appointment to the post of Village Assistant in Kattanipatti Village. Thus, the very writ petition is misconceived and the writ petitioner had not even participated in the process of interview for appointment to the post of Village Assistant, more specifically, for Keezhapoongudi Village. The said fact is narrated in para-3 of the counter affidavit filed by the Tahsildar, Sivagangai District, which is extracted hereunder:-

"3.I respectfully state that the selection process for initiated for the post of Village Assistant in Sivagangai Taluk. The eligible candidates for the said post were recommended by the District Employment Office, Sivaganga and those persons were called for interview which was held on 29.05.2015. A call letter was sent to the petitioner also and she has participated interview on 29.05.2015. Originally the petitioner's name was recommended by the District Employment Office, Sivaganga only for the village of Kattanipatti and not for Keezhapoongudi Village. The call letter itself reflects the same. The petitioner has enrolled herself with the employment exchange on 18.07.2012 in registration no.SGD2012F00013990. In the said Registration, the petitioner has mentioned her address as Kattanipatti Post, Sivagangai Taluk. Since, the registration with the employment exchange shows that she belonged to Kattanipatti, her name was recommended for the said Village for the post of Village Assistant. If the petitioner was aggrieved with the same, she has to challenge the call letter itself before this Hon'ble Court before participating the interview. But without doing so, she has participated the interview and after the full consideration, she was not selected for the said post in the Kattanipatti Village and one Thiru.Vellaisamy was selected.

4.In view of the fact that the writ petitioner had not even participated in the interview for appointment to the post of Village Assistant in Keezhapoongudi Village, the very claim set



out in the present writ petition deserves no merit consideration. This apart, the third respondent was appointed and working as Village Assistant for the past about 4 ½ years and under these circumstances, this Court is not inclined to unsettle the appointment already made 4 ½ years back and accordingly, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-78975[F] dated 31/07/2019)

+1 CC to MR.G.R.SATISH, Advocate (SR-78935[F] dated 31/07/2019)

W.P. (MD)No.14739 of 2015
30.07.2019

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