

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 21.06.2019****CORAM:****THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM****W.P. (MD) No. 9250 of 2013****WEB COPY**

Vijaya

... Petitioner

Vs.

1. The District Collector,
Sivagangai District, Sivagangai.

2. The Tahsildar,
Ilayangudi, Ilayangudi Taluk,
Sivagangai District.

3. Indira

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings passed by the 2nd respondent No. Na. Ka. No. A11/4947/2006 dated 21.09.2010 and quash the same as illegal and arbitrary and consequently, direct the respondents to appoint the petitioner in the post of Village Assistant in Katchathanallur District, Ilayangudi Taluk, Sivagangai District.

For Petitioner	: Mr. T. Lajapathi Roy
For R1 and R2	: Mr. K. Mu. Muthu
	Additional Government Pleader
For R3	: No appearance

ORDER

The order of appointment, dated 21.09.2010 appointing the third respondent as Village Assistant, is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner made a submission that the writ petitioner is fully qualified for appointment to the post of Village Assistant and she has registered her name in the District Employment Exchange, Chennai. The name of the writ petitioner was sponsored by the Employment Exchange and she had participated in the process of interview held on 31.04.2018. Five candidates were participated in the interview, out of which, third respondent was selected and appointed. The name of the writ petitioner was found in Serial No. I of the list of sponsored candidates and the learned counsel for the writ petitioner states that the writ petitioner ought to have been appointed to the post of Village Assistant.

3. The learned Additional Government Pleader appearing on behalf of the respondent Nos. 1 and 2 made a submission that five persons were called for to participate in the interview. Admittedly, the writ petitioner as well as the third respondent also participated in



the process of interview. The authorities competent verified the certificates eligibility and other criteria as per the rules in force.

4. The counter affidavit filed by the second respondent states that the writ petitioner had no knowledge of cycling, at the time of participating in the interview. The knowledge in cycle riding is a requisite qualification for appointment to the post of Village Assistant, as per the rules. In view of the fact that the writ petitioner could not able to establish that she had knowledge in cycling, was rejected.

5. This Court is of the considered opinion that the employment seniority alone is not a qualification for providing appointment. The employment seniority being maintained for the purpose of sponsoring the name of the candidature for selection. However, appointments cannot be sought for, based on the employment seniority. The selection process conducted by the authorities competent is also to be taken into the consideration for the purpose of appointing the candidates.

6. In the present case on hand, the counter affidavit filed by the second respondent states that the writ petitioner had no knowledge of riding of cycle at the time of selection process and therefore, she was rejected. Under these circumstances, there is no infirmity in respect of the order impugned in the present writ petition. If at all the writ petitioner is qualified for the post of Village Assistant and now acquired the skill of cycle riding, she is at liberty to participate in the next process of selection, if any notified.

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

Sd/-

Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1. The District Collector,
Sivagangai District, Sivagangai.

2. The Tahsildar,
Ilayangudi, Ilayangudi Taluk,
Sivagangai District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate SR-70895.

+1 CC to SPL GP SR-71010.

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