

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 31.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 11738 OF 2013

Shankar

.. Petitioner

- Vs -

1.The District Collector,
Vellore District,
Vellore.

2.The District Education Officer,
Vellore 1

3.The District Employment Officer,
Sathuvachari, Vellore.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to appoint the petitioner as Night Watchman in any one of the 14 vacancies with the second respondent.

For Petitioner : Mr. Sajeew Kumar for
M/S.Rajan Law Associates

For Respondents : Mr. S.Thangavel, Spl.G.P.
For R1 & R3

: Mr. S.SureshKumar, G.A. For R2.

ORDER

The Writ petition has been filed by the petitioner to direct the respondents to appoint the petitioner as Night Watchman in any one of the 14 vacancies with the second respondent.

2.The case of the petitioner is that the petitioner after completing SSLC, registered himself with the Employment Exchange, bearing Registration No.

VLD1990M00022981 along with mark sheet and community certificate. To that effect, after 22 years of registration, the third respondent Employment Exchange sponsored the petitioner's name for the post of Office Assistant in the District Revenue Office, Vellore. At that point of time of third respondent calling for interview, he was running 37 years old, however he was not selected in the said post and one other person, namely Kalyana Sundaram, who is senior in age to petitioner was selected. The grievance of the petitioner is that the petitioner was informed by the respondent the non-selection of the petitioner to the post on account of his overage, though the said Kalyanasundaram was older than the petitioner was selected. Aggrieved against the different yardstick adopted in the selection process done by the third respondent, the petitioner made a representation on 02.04.2013. However, till date, no orders have been passed on the said representation, which prompted the petitioner to file the present writ petition.

3.Learned Counsel appearing for the petitioner submitted that the only grievance of the petitioner is a person, older to the petitioner, was appointed by the third respondent, however the petitioner was denied appointment on the ground that the petitioner had crossed the age of 37 years. Therefore, the petitioner made a representation on 02.04.2013 which was not considered by the respondents, hence , it would suffice if this Court directs the respondents to consider the petitioner's representation within a reasonable time as fixed by this Court.

4.Learned Special Government Pleader as well as learned Government Advocate appearing for the respondents, on instructions submitted that the allegation that one Kalyanasundaram was selected, is not right, as the said candidate was also rejected as he had crossed the age of 37 years.

5.This Court heard the submissions advanced by the learned counsel appearing on either side and perused the materials available on records.

6. The facts in the present case are not in dispute, more especially the qualification of the petitioner, his registration with the employment exchange and his name being sponsored by the employment exchange, as also his age. The ground on which the present petition is filed is only on the basis of the fact that a person, who is alleged to be older to the petitioner has been selected. However,

it is the submission of the respondents that the said person, as averred by the petitioner, has not been selected. No materials contra to the submission of the respondents has been placed before the Court by the petitioner. The basic criteria for the appointment in Government service is on the basis of communal roster, educational qualification and age. Except for the age, the petitioner has not pointed out any discrepancy in the selection process. When the allegation of an over-aged person having been selected has also been disputed by the respondents, in the absence of any contra material to the same, this Court finds no justification for sustaining the claim of the petitioner.

7. For the reasons aforesaid, this writ petition is dismissed. However there shall be no order as to cost.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Vellore District,
Vellore.

2.The District Education Officer,
Vellore 1

3.The District Employment Officer,
Sathuvachari, Vellore.

+1cc to the Government Pleader in Sr.No.25869

+1cc to the Government Pleader in Sr.NO.25988

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W.P. NO.11738 OF 2013

vs (co)

rr ii (04/09/2020)