

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2020

CORAM

THE HON'BLE Mr. JUSTICE M.GOVINDARAJ

W.P.No.24973 of 2010
and M.P.Nos.1 and 2 of 2010

M.Selvi

... Petitioner

Vs.

1.The District Siddha Medical Officer,
Vellore District, Vellore.

2.The District Employment Officer,
Vellore District, Vellore.

3.V.Gnanaoli

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the 1st respondent in proceedings Na.Ka.No.2140/A.Ka/09 dated 24.02.09 and quash the same and consequently direct the 1st respondent to appoint the petitioner to the post of Hospital worker with all attendant and other consequential service benefits or in alternate direct the 1st respondent to appoint the petitioner as Hospital Worker in Vellore District with all service benefits.

(Prayer amended vide order dated
25/03/2019 made in MP.No.1 of 2014
in Wp.No.24973 of 2010 by VBSJ)

For Petitioner	: Mr.T.Dharani
For Respondents	: Mr.R.Janaki
	Additional Government Pleader
	[for RR1 &2]

O R D E R

The petitioner has registered himself with 2nd respondent / employment exchange under the category of MBC priority category, after having passed SSLC examination. It appears that the 1st respondent called for candidates from employment exchange for the post of Hospital workers. From the counter of the 2nd respondent, it is seen that the 1st respondent has called for candidates, who have passed 8th and 9th standard and failed 10th standard. However, the petitioner, who has passed

10th standard was sponsored under BC priority category. Therefore, the 1st respondent appointed the 3rd respondent under MBC category to the post of Hospital worker.

2. According to the petitioner, she is senior to the 3rd respondent having registered in the year 1997 and the 3rd respondent registered himself only in the year 2014. Therefore, the sponsor and selection conducted by the 1st and 2nd respondents is illegal and liable to be set aside. As a consequential prayer, the petitioner seeks appointment in the place of 3rd respondent or in the alternative to post in any other place in Vellore District.

3. First respondent has called for candidates with specified qualification. The requirement is 10th standard fail. The petitioner does not fall within the qualification as she over qualified by passing 10th standard. Further, the 2nd respondent was sponsored under BC category. The selection and appointment made by the 1st respondent was for MBC category. On consideration selection of the 3rd respondent who was sponsored as MBC priority quota having inter caste marriage cannot be found fault with.

4. A perusal of the community certificate issued by the Revenue Department as well as the counter filed by the 2nd respondent clearly discloses that the petitioner belongs to MBC category and she married the other community person. She was also eligible to be appointed, provided she was not over qualified. However, the appointment had taken place in the year 2010 and it cannot be interfered at this point.

5. The learned counsel for the petitioner would produce a notification issued by the employment exchange in Advertisement No.01/2020 dated 09.01.2020 for the post of Office Assistant. There are 8 plus 1 post available in Vellore District.

6. Therefore, a direction is given to the 2nd respondent to sponsor the petitioner's name also to the post of Office Assistant to be filled in by District Co-operative Bank and Town Co-operative Bank, Vellore.

With this observation, the writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(C.S.VI)

/True Copy/

Sub Assistant Registrar

To

1.The District Siddha Medical Officer,
Vellore District, Vellore.

2.The District Employment Officer,
Vellore District, Vellore.

+1 cc to M/s.T.Dharani,Advocate Sr.No. 6578

AKM/10.02.2020/3P-4C /

W.P.No.24973 of 2010