

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.8689 of 2020 and
W.M.P.Nos.10529 & 10530 of 2020

K.Prakash

... Petitioner

-Vs-

1.The District Collector,
Office of the District Collectorate,
Villupuram,
Villupuram District.

2.The Commissioner,
Olakkur Panchayat Union,
Villupuram District.

3.The Block Development Officer,
Olakkur @ Saram, Panchayat Union,
Villupuram District.

4.M.Naveen Kumar

... 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 of the impugned appointment order passed by the second respondent in his proceedings in Na.Ka.A1/190/2020 dated May 2020 and quash the same and consequently direct the 2nd respondent to appoint the petitioner herein as Office Assistant in General Turn/Priority by considering his seniority in Employment Registration with inter-caste marriage quota.

For Petitioner : Mr.D.Ravichander

For Respondents : Mr.R.A.S.Senthil Vel, AGP for R1

O R D E R

This writ petition has been filed to call for the records of the impugned appointment order passed by the second respondent in his proceedings in Na.Ka.A1/190/2020 dated May 2020 and quash the same and consequently direct the 2nd respondent to appoint the petitioner herein as Office Assistant in General Turn/Priority by considering his seniority in Employment Registration with inter-caste marriage quota.

2. The case of the petitioner is that the second respondent published a notification on 16.11.2019, calling for application to fill up two vacancies in the post of Office Assistant. In response to the notification, the petitioner applied for one of the notified vacancies.

3. According to the petitioner, he has got preferential right to be considered for appointment on the ground that he being a candidate of intercaste marriage and a certificate was also issued by the Tahsildar concerned on 04.10.2012. However, without considering his candidature on preferential basis on the basis of the certificate, the fourth respondent was appointed to the said post. Challenging the same, the petitioner is before this Court.

4. Notice was ordered and in response to the notice, Mr.R.A.S.Senthil Vel, learned Additional Government Pleader entered appearance and filed a counter affidavit. In the counter affidavit, the averments contained in the affidavit filed in support of this writ petition, have been strongly refuted. According to the counter affidavit, totally 119 candidates attended the interview to the post of Office Assistant and on consideration of educational qualification and social economic status, finally a candidate was selected.

5. It is also averred in the counter affidavit that out of two vacancies, one vacancy was earmarked for Scheduled Caste (Arunthathiyar) on preferential basis i.e., Woman/Destitute Widow and another one for General Turn candidates. The petitioner was one among 119 candidates considered against the General Turn vacancy. Since he has not come out successfully, he could not be selected.

6. The learned Additional Government Pleader for the respondents submitted that the petitioner being considered against the General Turn, cannot claim preference on the basis of his intercaste marriage. Therefore, he submitted that the present writ petition is without any merits and liable to be dismissed.

7. In view of the above clear stand taken in the counter affidavit, this Court does not think that relief could be granted to the petitioner.

8. In such circumstances, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsk

To

- 1.The District Collector,
Office of the District Collectorate,
Villupuram,
Villupuram District.
- 2.The Commissioner,
Olakkur Panchayat Union,
Villupuram District.
- 3.The Block Development Officer,
Olakkur @ Saram, Panchayat Union,
Villupuram District.

+1cc to Mr.D.Ravichander, Advocate SR.39891
+1cc to the Government Pleader SR.40115

W.P.No.8689 of 2020 and
W.M.P.Nos.10529 & 10530 of 2020

RSI (CO)
CB(11/01/2021)

WEB COPY