



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM:

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

W.P. (MD)No.1843 of 2014

P.Muthu

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the 2nd respondent in proceedings No.Na.Ka.A4/3057/2013 dated 04.12.2013 and quash the sme and further to direct the Respondent to issue priority Certificate in the name of the petitioner's son to enable him to get priority in records to the provisions of the employment Assistant through Employment Exchanges.

For Petitioner : Mr.K.C.Ramalingam

For Respondents : Mr.P.Mahendran

Addl.Govt.Pleader

O R D E R

The impugned order, dated 04.12.2013, rejecting the claim of the writ petitioner for grant of Priority Certificate for appointment is under challenge in the present writ petition.

2. The petitioner states that he is a land looser, as his lands were acquired for public purposes. The petitioner submitted an application to grant certificate seeking priority for public employment. The said application was considered and the respondents rejected the same. Thus, the petitioner is constrained to file the present writ petition.

3. The learned Additional Government Pleader appearing on behalf of the respondents mainly contended that the application submitted by the writ petitioner for grant of priority certificate was considered by the competent authority. In fact, as per the orders of the Revenue Divisional Officer, the petitioner received the compensation of Rs.63,360/- and the said amount was acknowledged by the petitioner. This apart, the land was sold in favour of the Government. In other wards, the writ petitioner at his consent, had sold the land in favour of the Government and received the



compensation of Rs.63,360/-. Thus, the claim of the writ petitioner for providing a priority certificate would not arise at all.

4. The fact reveals that it is not a land acquisition. The petitioner with his consent agreed to sell the land in favour of the Government and received the compensation. When the petitioner agreed and sold the land, the question of providing priority in public appointment does not arise at all. This apart, as per the petitioner, he had given consent for handing over the land in favour of the Government and received the compensation in the year 2009 itself.

5. Priority in public appointment is a concession. Such concession cannot be claimed as a matter of right. Equal opportunity in public employment is the constitutional mandate. All appointments are to be made strictly in accordance with the Rules and providing equal opportunity to all the citizen of this great Nation, who are all aspiring to secure public employment by participating in open competitive process. This being the constitutional scheme and to be followed for recruitment process, all priorities granted for public appointment are to be construed as concession and the State is also bound to restrict such concession in order to protect the rights of the meritorious candidates, who are all longing to secure public employment by participating in the open competitive process, as per the Rules of Reservation. In the event of providing large number of priority category. the same would affect the constitutional rights of all the citizen, who are all aspiring to secure the public employment. Thus, concessions, priorities, special schemes for appointments are to be restricted so as to provide equal opportunity in public employment for all the categories by following the Rules of Reservation.

6. In the event of large scale concession, the rights of poor and downtrodden would also get affected. The number of seats reserved for the poor and socially backward classes will also be deprived and therefore, such concession and priority are to be restricted only with reference to the genuine cases and the Government must be cautious in providing such priority in the matter of public employment. This being the principles to be followed, the writ petitioner has not established any acceptable grounds for granting the relief as such sought for in the present writ petition and accordingly, the present writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To
1.The District Collector,
District Collectorate,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

+1 CC to M/s.SPL GP (SR-21131[F] dated 04/11/2020)

+1 CC to M/s.K.C. RAMALINGAM, Advocate (SR-21201[F] dated
04/11/2020)

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