



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.6395 of 2015

and

M.P.(MD)Nos.1 and 2 of 2015

WEB COPY

R.Sakthivel

... Petitioner

-Vs-

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Educational Officer,
Virudhunagar District, Virudhunagar.

3.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

4.The Thasildar,
Tiruchuli Taluk, Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1, 3 and 4 to appoint the petitioner as a Village Assistant in the Nallukurichi Village or within the area limit of the Tiruchuli Taluk, Virudhunagar District within the stipulated period.

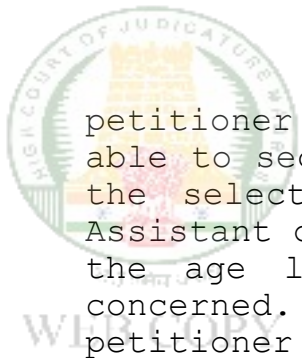
For Petitioner : Mr.G.Marimuthu

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents 1, 3 and 4 to appoint the petitioner as a Village Assistant in the Nallukurichi Village or within the area limit of the Tiruchuli Taluk, Virudhunagar District.

2.The petitioner states that he is fully qualified for appointment to the post of Village Assistant. He registered his name in the District Employment Exchange, Virudhunagar District. The name of the writ petitioner was sponsored for selection. The petitioner received a call letter from the third respondent and participated in the interview held on 29.09.2010. The grievances of the writ petitioner is that again, the petitioner has not received any call letter during the subsequent selection and interview conducted by the respondents in the year 2012 and 2014. The



petitioner states that he submitted representation and he could not able to secure any reason for not sponsoring his name in respect of the selection conducted for appointment to the post of Village Assistant during the year 2012 and 2014. The petitioner states that the age limit has been wrongly interpreted by the authorities concerned. Therefore, they have not sponsored the name of the writ petitioner for appointment to the post of Village Assistant.

3.This Court is of the considered opinion that the relief as such sought for to direct the respondents to appoint the petitioner as Village Assistant cannot be granted in this writ petition.

4.All appointments are to be made strictly in accordance with the rules in force. The age limit, eligibility and educational qualification are to be considered with reference to the service rules in force. Equal opportunity in public employment is the Constitutional mandates. All candidates who all are eligible must be considered to participate in the process of selection. Thus, the case of the writ petitioner is to be considered in accordance with the rules in force. If at all he is within the age limit prescribed under the rules, his case is to be considered and not otherwise. However, with reference to the interview conducted in the year 2010, the petitioner cannot be now appointed as Village Assistant and he has to participate in the process of selection and only if he is selected, then, only the authorities are bound to issue an order of appointment and not otherwise. This being the principles to be considered, the respondents are bound to the follow the rules in force and the opportunity to participate with reference to the age limit and other criteria is to be extended to the petitioner in accordance with the rules in force and as and when, the notification for recruitment is issued.

5.With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

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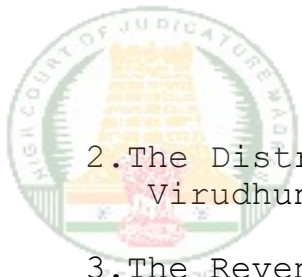
Sub Assistant Registrar(CS)

sjj

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Educational Officer,
Virudhunagar District, Virudhunagar.

3.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

4.The Thasildar,
Tiruchuli Taluk, Virudhunagar District.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-23404[F]dated 01/12/2020)

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VB (07.12.2020) 3P 6C