



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 31.08.2020

DELIVERED ON : 03.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

WP(MD).No.9732 of 2015

WEB COPY

A. Ayyanar

: Petitioner

Vs.

1.The Principal Secretary,
Government of Tamil Nadu,
Revenue Administrative Department,
Chennai - 09.

2.The Joint Director of Employment Exchange,
Madurai District,
Madurai.

3.The District Collector,
Madurai Collectorate,
Madurai.

4.The Revenue Divisional Officer,
Madurai Collectorate,
Madurai.

5.The Thasildar,
Madurai North Taluk,
Madurai.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pursuant to the impugned order passed by the 5th respondent in Na.Ka.No.24195/2012/Pi 1, dated 15.09.2014 and quash the same and consequently, direct the respondents to appoint the petitioner to the post of Village Assistant in Madurai North Taluk, Madurai District under physically handicapped quota based on the selection made by the 5th respondent in the interview held on 28.01.2011 with service, monetary and other attendant benefits.

For petitioner : Mr. M. Saravanakumar

For Respondents : Mr. J. Gunaseelan Muthiah

Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the impugned order passed by the 5th respondent in Na.Ka.No.24195/2012/Pi1, dated 15.09.2014 and consequently, direct the respondents to appoint the



petitioner to the post of Village Assistant in Madurai North Taluk, Madurai District under Physically Handicapped Quota, based on the selection made by the 5th respondent in the interview held on 28.01.2011 with service, monetary and other attendant benefits.

2. The factual service matrix of the case are as under:

(i) In the year 2011, in Madurai North Taluk, there were 54 vacancies available in the post of Village Assistant. Hence, the respondents are decided to fill up the said vacancies by following the guidelines issued by the Government in G.O.Ms.No.155, Revenue Department, dated 23.06.2010 and the letter issued by the Principal Secretary and the Commissioner of Land Administration, Chennai, dated 31.03.2010. As per the communal roaster, those vacancies were allotted for the candidates who came under MBC category. As a result, the respondents have asked the District Employment Exchange, Madurai to sponsor the list of eligible candidates from the MBC category. In response to the same, the Assistant Director of Employment Exchange, Madurai, by his letter dated 09.10.2012 sponsored the names of the eligible candidates in which the petitioner's name was also included. Based on the same, the respondents have issued a call letter to the petitioner by its proceeding in Na.Ka.No.22324/2010/A2 and thereby, asked him to appear for personal interview, which was held on 28.01.2011. The petitioner has also participated in the interview.

(ii) At the time of verification of documents of the selected candidates, the respondents found that the petitioner belongs to Hindu Kallar Community, which came under the BC category. Since the vacancy for which the petitioner had participated was allotted for MBC category, the petitioner being a BC category candidate was not considered for the appointment in the post of Village Assistant. As per the communal roaster, the other eligible candidates who belong to MBC category are appointed by the Department.

(iii) Hence, the petitioner has filed W.P(MD).No. 13047 of 2012, which came to be dismissed by this Court on 08.10.2012. Subsequently, he has filed another Writ Petition in W.P(MD).No.9855 of 2013 and the same was disposed of with a direction to the respondents therein to consider the representation of the petitioner within a period of weeks. On consideration, the respondents have rejected the said representation. Challenging the same the petitioner has filed the present Writ Petition.

3. I have heard the learned counsel appearing on either side and perused the materials available on record.

4. It is seen from the counter affidavit filed by the respondents that the petitioner was called for to attend interview for the post of Village Assistant, which as per the communal roaster reserved for MBC category. It is not in dispute that the petitioner



belonged to BC category and his name was wrongly sponsored by the Employment Exchange. The petitioner seeks an employment in the MBC category, when he belongs to BC category and hence, the respondents have rejected the case of the petitioner and he was not selected.

5. The petitioner has already filed W.P(MD).No.9855 of 2013 before this Court, which was disposed of with a direction to consider and pass orders on the representation of the petitioner. Thereafter, the respondents have passed an order rejecting the said representation stating that as per the communal roaster, the said post reserved for MBC Category. It is also clearly stated in the impugned order that the petitioner belonged to BC category and he did not belong to MBC category and his name was erroneously sponsored by the Employment Exchange. Hence, I do not find any reason to interfere with the impugned order passed by the respondents.

6. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

trp

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Secretary,
Government of Tamil Nadu,
Revenue Administrative Department,
Chennai - 09.
- 2.The Joint Director of Employment Exchange,
Madurai District,
Madurai.
- 3.The District Collector,
Madurai Collectorate,
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<https://hcservices.ecourts.gov.in/hcservices/>



4.The Revenue Divisional Officer,
Madurai Collectorate,
Madurai.

5.The Thasildar,
Madurai North Taluk,
Madurai.

+1 CC to SPL GP (SR-15947[F] dated 04/09/2020)

+1 CC to Mr.M. SARA VANAKUMAR, Advocate (SR-16001[F] dated
04/09/2020)

ORDER MADE IN
WP (MD) .No.9732 of 2015
03.09.2020

VB (11.09.2020) 4P 8C