

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 20440 of 2011

G.Rajavelu

... Petitioner

-vs-

1. The District Collector,
Villupuram District.

2. The Revenue Divisional Officer,
Kallakurichi,
Villupuram District.

3. The Tahsildar,
Kallakurichi Taluk,
Villupuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to consider the representation dated 16.08.2011 for the post of Village Assistant in the Kuthiraichandal Village, Kallakurichi Taluk, Villupuram District.

For Petitioner : No appearance

For Respondents: Ms.K.Bhuvaneswari

Additional Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to consider the representation dated 16.08.2011 for the post of Village Assistant in the Kuthiraichandal Village, Kallakurichi Taluk, Villupuram District.

2. The case of the petitioner is that, the respondents, in order to fill up the post of Village Assistant in the village concerned, called for various candidates including the petitioner for certificate verification on 10.01.2011, where the certificates, such as, Educational Qualification Certificate, Community Certificate, Residential Certificate, Family Card (or) Election I.D. Card, Employment Card and Conduct Certificate etc., have to be produced. With these certificates,

according to the petitioner, he attended the certificate verification session on 10.01.2011, where all those certificates were verified by Tahsildar concerned, who is the third respondent herein and having verified, completed the certificate verification successfully. However on 25.07.2011, one Kanavan S/o.Ponnan was selected and appointed in the concerned village as Village Assistant. Therefore, in this regard, the petitioner has given representation on 16.08.2011 to the first respondent and in order to consider the representation, he has filed the present Writ Petition with the aforesaid prayer.

3. Today when the case is taken up for final hearing, there is no representation for the petitioner. However, Ms.K.Bhuvaneswari, learned Additional Government Pleader appearing for the respondents, by relying upon the report of the Thasildar, Kallakurichi has submitted that, no doubt, on the date of certificate verification, the petitioner attended the certificate verification, except the Educational Qualification Certificate as well as Residential Certificate, he has produced other certificates. But the Educational Qualification Certificate and Residential Certificate since have not been produced, he had been given some time to produce, however it was not produced. Therefore, without having awaiting further for the production of those certificates, since the other eligible candidate, who produced all those certificates, who is also eligible for the said post got selected for the post.

4. I have heard Ms.K.Bhuvaneswari, learned Additional Government Pleader appearing for the respondents and have perused the materials placed before this Court.

5. Since the minimum educational qualification for the consideration of appointment for the said post of Village Assistant, according to the learned Additional Government Pleader, is at least X standard and school certificate has to be produced before the authorities for having come to the conclusion that, he has passed the X standard and since the said certificate was not produced and even though in the typed set of papers, he has filed, copy of the conduct certificate and Residential certificate received on 08.01.2011, the same was not produced on 10.01.2011. Therefore, for want of production of those certificates, which are essential certificates, the candidature of the petitioner seems to have been rejected.

6. However, on that day, of certificate verification, the petitioner could not produce the relevant certificates for which, we cannot blame the respondents, as to why, the petitioner has not been considered for selection. Even in the typed set of papers, he has not produced any Educational Qualification Certificate, however, the copy of the Residential

Certificate issued by the Deputy Tahsildar concerned dated only 08.01.2011, has been annexed and whether that certificate was produced before the authorities on that day is not known and in this regard, no other proof has been filed before this Court.

7. In view of the above, since the petitioner has not produced two relevant certificates which are required to be produced on the day of certificate verification, the candidature of the petitioner was rightly rejected by the respondents. Hence, no further indulgence can be shown in this Writ Petition in favour of the petitioner to issue mandamus as has been prayed for.

8. In view of the above, this Writ Petition fails and accordingly it is dismissed. However, there shall be no order as to costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vji
To

1. The District Collector,
Villupuram District.
2. The Revenue Divisional Officer,
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Villupuram District.
3. The Tahsildar,
Kallakurichi Taluk,
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+1 CC to The Government Pleader sr 8471.

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KK(CO)
SP(04/03/2021)