

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.5530 of 2012

K.Selvarasu

... Petitioner

-Vs-

1. The Tahsildar,
Tittakudi Taluk, Tittakudi
Cuddalore District.

2. The District Employment Officer
Cuddalore District, Cuddalore.

3. The District Collector
Cuddalore District
Cuddalore.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 1st Respondent to consider the candidature of the Petitioner for the post of Village Assistant as per the interview held by the 1st Respondent on 06.01.2012 in respect of call Letter dated 13.12.2011 in Na.Ka.No. (A3) 1011/2010.

For Petitioners : No appearance
For Respondents : Mr.K.Magesh,
Special Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 1st Respondent to consider the candidature of the Petitioner for the post of Village Assistant as per the interview held by the 1st Respondent on 06.01.2012 in respect of call Letter dated 13.12.2011 in Na.Ka.No. (A3) 1011/2010.

2. The petitioner was called for interview and certificate verification for appointment to the post of Village Assistant in Tittakudi Taluk, Cuddalore District. In this regard, a call letter was issued by the first respondent on 13.12.2011, whereby the petitioner was directed to appear for interview-cum-certificate verification session to be held on 06.01.2012. Accordingly, the petitioner did attend the said interview-cum-certificate verification session and has produced the certificates, which were asked or required to be produced.

3. However, subsequent to the said interview-cum-certificate verification session, nothing was forthcoming from the respondents, and no order of selection and appointment had ever been made to the petitioner appointing him as Village Assistant. Therefore, in order to seek appointment pursuant to the said interview-cum-certificate verification session, which was conducted as early as 06.01.2012, the petitioner has filed this writ petition with the aforesaid prayer.

4. When the case is called, there is no representation for the petitioner. However, Mr. Magesh, learned Special Government Pleader appearing for the respondents, on instructions, and by relying upon the averments made in the counter affidavit, submitted that, the maximum age prescribed for SC/ST category, to which the petitioner belongs was 40 years. However, at the time of making the application and at the time of attending the interview-cum-certificate verification session, the petitioner had already crossed 40 years and admittedly he was running 41 years and therefore, since he was over aged, he was not considered for appointment to the post of Village Assistant.

5. I have considered the submissions made by the learned Special Government Pleader and have perused the materials placed on record.

6. Insofar as the age of the petitioner at the time of applying for the post of Village Assistant is concerned, definitely it must have been more than 40 years, as admittedly the petitioner's date of birth as per the Transfer Certificate is 15.10.1971 and the petitioner himself has stated that he is running 41 years while filing the writ petition. Therefore, it is evident that at the time of considering his candidature, he had already crossed 40 years, which was the upper age limit for SC/ST candidates and therefore his candidature was, of course, rightly not considered for appointment. Therefore, the petitioner cannot seek for a mandamus to consider his candidature for appointment pursuant to the interview-cum-certificate verification session conducted by the respondents.

7. In that view of the matter, the writ petition is liable to be dismissed. Accordingly, it is dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KST

To

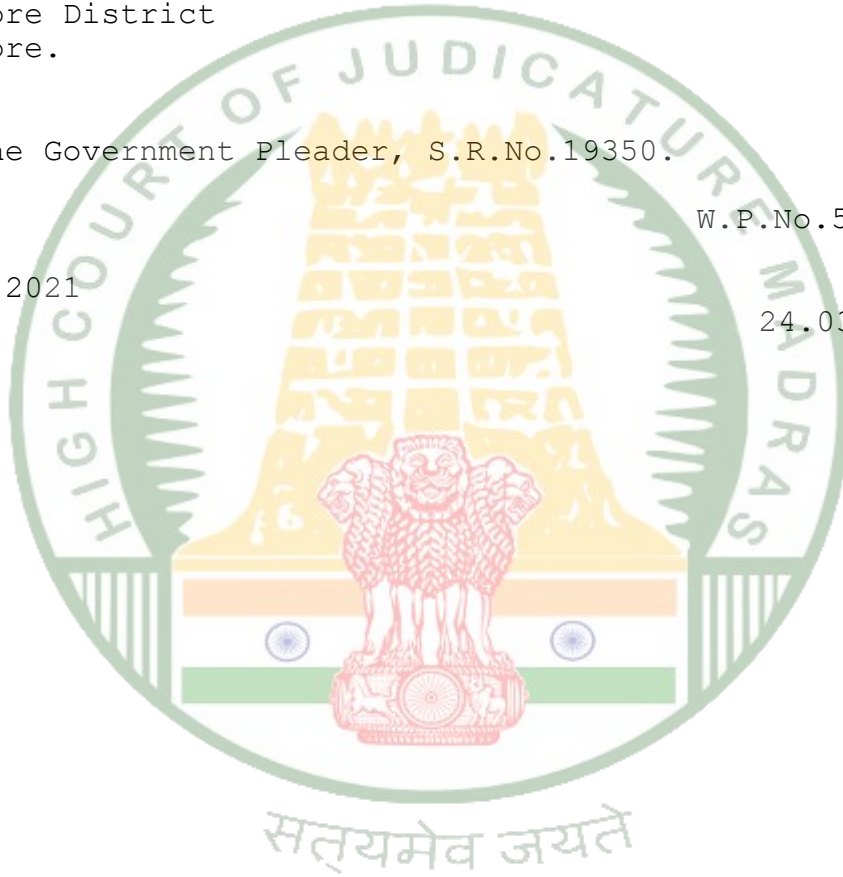
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3. The District Collector
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+1cc to the Government Pleader, S.R.No.19350.

W.P.No.5530 of 2012

SKY(CO)
CSR 09.04.2021

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