



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2021

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.(MD)No.7798 of 2009

1.G.Ramesh  
2.M.Dhamodaran  
3.P.V.Bharath

: Petitioners

Vs.

1. The Government of Tamil Nadu,  
represented by its Secretary to Government,  
Rural Development Department,  
Secretariat, Chennai - 600 009.

2. The District Collector,  
Karur District,  
Karur.

3. The District Employment Officer,  
Karur District,  
Karur.

4. The District Collector,  
Dharmapuri District,  
Dharmapuri.

5.J.Bhuvaneswari  
6.P.Sathya  
7.V.Ravikumar

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records connected with the impugned order passed by the first respondent in respect of the appointment of respondents 5 to 7 in G.O.Ms.No.96, Rural Development and Panchayat Raj (E3) Department, dated 06.06.2008 and quash the same and consequently, to direct the third respondent to sponsor the name of the first petitioner in accordance with his seniority and direct the second respondent to appoint the petitioners as Technical Assistant in the place of respondents 5 to 7 and consequently, to direct the first respondent to absorb the petitioners as overseers in the place of respondents



For Petitioners  
For R1 to R4

: Mr.V.Balaji,  
: Mr.D.Muruganantham,  
Additional Government Pleader  
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**ORDER**

It is the case of the petitioners that the first petitioner is belonging to Backward Class Community and the petitioners 2 and 3 are belonging to Scheduled Caste Community. The petitioners have passed Diploma in Civil Engineering and have registered their names in the District Employment Exchange, Trichy and consequent to the trifurcation of Trichy District into Karur and Perambalur Districts in the year 1996, their employment exchange cards have been transferred to Karur District and they have registered their names from the year 1992 to 1996.

2.While so, the Government of India has launched National Rural Employment Guarantee Scheme (hereinafter referred to as "the NREGS"), under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, in the year 2006 in six districts of Tamilnadu under Phase I, viz., Thiruvannamalai, Cuddalore, Villupuram, Nagapattinam, Dindigul and Sivaganga. Further the NREGS scheme was extended to four more districts in Phase II with effect from 01.04.2007, viz., Thanjavur, Tiruvarur, Karur and Tirunelveli. In Phase III, with effect from 01.04.2008, the NREGS Scheme was further extended to the remaining 20 districts of the State. In this regard, the Government of Tamilnadu created large number of technical posts in the cadres of Assistant Executive Engineers, Assistant Engineers and Overseers with the view to strengthening the implementation of NREGS Scheme and makes its benefits truly reach the rural poor with regard to the timely disbursement of wages.

3.It is the further case of the petitioners that though the petitioners are fully qualified, their names have not been sponsored to the post of Technical Assistant, despite their seniority. However, the names of private respondents, who are the junior most to the petitioners, have been sponsored by the third respondent to the post of Technical Assistant and they have also selected to the said post. Challenging the selection of private respondents to the post of Technical Assistant, the present Writ Petition has been filed.

4.Heard Mr.V.Balaji, learned Counsel for the petitioners and Mr.D.Muruganantham, learned Additional Government Pleader for respondents 1 to 4.



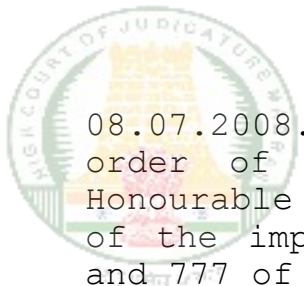
5.The learned Counsel for the petitioners would submit that the third respondent has not sponsored the first petitioner's name to the post of Technical Assistant. He would also submit that even though the third respondent has forwarded the names of the second and third petitioners, the first respondent has not selected the second and third petitioners and has selected the private respondents, who are junior most to the petitioners, which is totally contrary to the NREGS scheme and accordingly, he prays for allowing this Writ Petition.

6.Per contra, Mr.D.Muruganantham, learned Additional Government Pleader, would submit that the second respondent, vide his letter, dated 24.07.2007, has requested the third respondent to sponsor the candidates to fill up 16 posts of Technical Assistant in Karur District. The third respondent, vide his letter, dated 30.07.2007 has sponsored the names of 2<sup>nd</sup> and 3<sup>rd</sup> petitioners under Open Community(Non priority). He would also submit that the petitioners 2 and 3 have attended the certificate verification and have not attended the interview before the Selection Committee. The learned Additional Government Pleader would further submit that since the petitioners 2 and 3 did not turn up for interview, their candidatures were not considered for the post of Technical Assistant.

7.The learned Additional Government Pleader would also submit that the third respondent, vide further letter, dated 31.08.2007, has sponsored the name of the first petitioner under Open Community (non-priority) and that a call letter was also sent to the first petitioner and on receipt of the same, the first petitioner does not turn up to attend the certificate verification as well as the interview before the Selection Committee. In view of the same, the candidature of the first petitioner was not considered by the Selection Committee for appointment to the post of Technical Assistant.

8.The learned Additional Government Pleader would also submit that subsequent to the selection process in the year 2007, several posts have been filled up in the recent past by the official respondents. He would also submit that the petitioners were not senior enough in terms of registration in the Employment Exchange and that their names have not been sponsored by the Employment Exchange for the post of Overseers/Juniors Droughfting Officers and therefore, they have not been appointed in the post of Overseers/Juniors Droughfting Officers in Rural Development and Panchayat Raj Department.

9.The learned Additional Government Pleader would further submit that the impugned Government Order was challenged in W.P.Nos.14222 and 14407 of 2008 and this Court has upheld the validity of the impugned Government Order, by its order, dated



08.07.2008. He would also submit that in the appeal challenging the order of this Court in W.P.Nos.14222 and 14407 of 2008, the Honourable Division Bench of this Court has also upheld the validity of the impugned Government Order, dated 06.08.2008 in W.A.Nos.776 and 777 of 2008.

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10.The petitioners claimed that they were registered in the third respondent Employment Exchange and they claimed that they are seniors to the private respondents, who have got employment as Technical Assistant. According to the petitioners, the name of first petitioner was not sponsored and though the names of petitioners 2 and 3 were sponsored, the private respondents have selected without following the employment seniority. On perusal of the counter affidavit filed by the respondents, it is seen that the very same impugned Government Order was challenged before this Court in W.P.Nos.14222 and 14407 of 2008. By order, dated 08.07.2008, the learned Single Judge of this Court had dismissed the said Writ Petitions and upheld the validity of the impugned Government Order. The very same order of learned Single Judge of this Court was challenged before this Court by way of Writ Appeal in W.A.Nos.776 and 777 of 2008 and the Honourable Division Bench has also upheld the validity of the impugned Government Order, by its order, dated 06.08.2008.

11.The petitioners claim seniority over and above the private respondents. Even though the said ground is accepted, mere seniority will not confer any right on the petitioners to get any appointment and they have to satisfy all the requirements under the scheme. Though the petitioners were called for certificate verification and interview, the first petitioner did not turn up for certificate verification as well as interview and the second and third petitioners have attended only the certificate verification and did not turn up for interview before the Selection Committee. After the lapse of 11 years, I do not incline to entertain this Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (A.E)

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Sub Assistant Registrar(CS)

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To

1. The Secretary to Government,  
The Government of Tamil Nadu,  
Rural Development Department,  
Secretariat, Chennai - 600 009.
2. The District Collector,  
Karur District, Karur.
3. The District Employment Officer,  
Karur District, Karur.
4. The District Collector,  
Dharmapuri District, Dharmapuri.

+1 CC to the SPL GP ( SR-110[F] dated 05/01/2021 )

+1 CC to M/s.V.BAJAJI, Advocate ( SR-382[F] dated 06/01/2021 )

Order made in  
W.P. (MD) No. 7798 of 2009  
04.01.2021

MK(CO)  
CS(19.01.2021) 5P 7C