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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD)No.2667 of 2019 and
W.M.P.(MD)Nos.2013 and 2014 of 2019

A.Maheswari

... Petitioner

Vs.

The Principal District Judge,
Thoothukudi District, Thoothukudi.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Notification regarding the list of applications accepted and rejected for the post of Office Assistant, dated 11.01.2019, quash the same insofar as the rejection of the petitioner under Serial No.2358, Application No.2358 is concerned, and further directing the respondent to consider the petitioner's candidature for the post of Office Assistant.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondent : Mr.K.Samidurai

* * * * *

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner challenges the selection process on the ground that she is entitled for relaxation as per the relevant Government Orders.

2.The issue is no longer *res integra*. When a similar challenge was made, this Court in ***W.P.(MD)No.12546 of 2018, dated 09.08.2018***, was pleased to hold that the Government Order in G.O.Ms.No.21, dated 02.02.2000, relied upon by the petitioner, has got no application and after issuing Notification by inviting applications from the eligible candidates, the appointments have been made and the said Government Order cannot be made applicable and no one was sponsored through any Employment Exchange. Secondly, it has been held that the selected candidates were not impleaded and therefore, the writ petition was not maintainable. The following is the reasoning of the Division Bench of this Court:-

''4.In the present case, only after issuing notifications by inviting applications from the eligible candidates, the appointments have been made and therefore, the

cannot be made applicable to the present case at



all and no one is sponsored through any Employment Exchange.

5. we are in full agreement with the said submissions. The reason is that the first respondent has issued notifications dated 13.04.2018 calling for applications from the eligible candidates, where no reference whatsoever has been made with regard to the applicability of G.O.Ms.No.21, since the said notification has been given without reference to the Employment Exchange. Therefore, we do not find any merit in the writ petition. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.''

3. We are in respectful agreement with the decision made by the Division Bench of this Court cited supra. Therefore, the Government Order in G.O.Ms.No.21, dated 02.02.2000, relied upon by the petitioner has got no application and after issuing Notification, inviting applications from the eligible candidates, the appointments have been made. Further, the selected candidates are not impleaded as parties. Hence, the petitioner is not entitled to seek for relaxation.

4. In the result, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SMN2

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To

The Principal District Judge,
Thoothukudi District, Thoothukudi.

+1CC to Mr.G.PRABHU RAJADURAI, Advocate (SR-6886[F] dated 24/02/2021)

Order made in
W.P. (MD)No.2667 of 2019 and
W.M.P. (MD)Nos.2013 and 2014 of 2019
23.02.2021

ES (CO)

SRS (08/03/2021) 2P : 3C
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