



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.4921 of 2019

Sakkammal

... Petitioner

vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Rajapalayam Taluk Office,
Rajapalayam,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 27.12.2018 and to appoint her as Village Assistant in the second respondent Taluk, by giving preference for her inter-caste marriage and other requisite eligibilities for the post of Village Assistant.

For Petitioner : Mr.M.Solaisamy

For Respondents : Mr.P.Subbaraj,
Government Advocate.

ORDER

The petitioner has filed this Writ Petition seeking for a direction to the first respondent to consider her representation dated 27.12.2018 and to appoint her as Village Assistant in the second respondent Taluk, by giving preference for her inter-caste marriage and other requisite eligibilities for the post of Village Assistant.

2. According to the petitioner, she belonged to Scheduled Caste community. She completed Eighth Standard in the year 1995. On 25.08.2011, she registered her qualification in the Employment Exchange and renewed her registration periodically without any default. She married a person belonging to Most Backward Community and her marriage is inter-caste marriage and therefore, she has to be given preference in appointment. During the year 2012, the second respondent conducted selection for appointment of Village Assistant for six posts. 23 names were sponsored by the Employment Exchange. 18 candidates, including the petitioner, participated in the interview conducted on 28.03.2012. Out of 18 candidates, 6 persons were selected. According to the petitioner, she is the most suitable candidate than the selected candidates. Ineligible



candidates were selected. Again, on 19.09.2014, the second respondent conducted interview for the post of Village Assistants in Sethur, Sundararajapuram, Melappattam and Karisalkulam. The petitioner gave representation on 22.09.2014, to consider her name for one of the vacancies. Due to some undue intervention, the petitioner's name was rejected by the second respondent. The petitioner again sent a representation and filed W.P.(MD)No.17383 of 2014 before this Court. As per the order of this Court dated 29.10.2014, the first respondent, by proceedings dated 31.08.2015, replied that her name will be considered in general category and not in Scheduled Caste category. However, the second respondent has selected ineligible candidates. There are some more vacancies within the jurisdiction of the second respondent. The petitioner gave representation on 27.12.2018, to the first respondent to appoint her as Village Assistant. Since the same was not considered, the petitioner has come out with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record carefully.

4. From the averments made in the affidavit filed in support of this Writ Petition, it is seen that the petitioner's name was sponsored by Employment Exchange in the year 2012. But, she was not selected. According to the petitioner, ineligible candidates were selected. In the year 2014, she gave a representation to the respondents to appoint her as Village Assistant. According to the petitioner, she was not appointed, but ineligible candidates were appointed. The petitioner has not challenged the said appointment order and the proceedings of the first respondent dated 31.08.2015, treating the petitioner as general category and not as Scheduled Caste community. The second respondent has to follow the selection process and appoint eligible candidates. The second respondent cannot appoint a person, based on his/her representation. The petitioner cannot seek appointment as a matter of right by giving representation.

5. For the above reasons, this Writ Petition is dismissed. No costs.

Sd/-

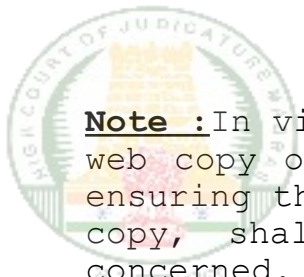
Assistant Registrar (CO)

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Sub Assistant Registrar (CS)

vsm



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.

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To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Rajapalayam Taluk Office,
Rajapalayam,
Virudhunagar District.

+1 CC to M/s.GP (SR-23879[F] dated 26/07/2021)

W.P(MD)No.4921 of 2019

23.07.2021

RD(3.08.2021) 3P 4C