



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD)No.1413 of 2014

and

M.P. (MD)No.2 of 2014

WEB COPY

K.Chellammal

... Petitioner

vs.

1.Secretary to the Government,
Rural Development Department,
Secretariat, St.George Fort,
Chennai - 600 009.

2.The Director,
Rural Development Department,
Panagal Salai, Chennai - 600 017.

3.The District Collector,
Collectorate Campus,Theni District.

4.B.Latchumana Murali

5.S.Thiruppathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.21417/2012/U.VA5, dated 14.08.2013, on the file of the third respondent and to quash the same as illegal and consequently to direct the Respondent No.3 to appoint the petitioner as Road Inspector Grade-II post within the stipulated time fixed by this Court.

For Petitioner : Mr.K.Guhan
For R1 to R3 : M/s.D.Farjana Ghousia
Special Government Pleader

For R4 : No appearance

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order in Na.Ka.No.21417/2012/U.VA5, dated 14.08.2013 and consequently to direct the Respondent No.3 to appoint the petitioner as Road Inspector Grade-II post within the stipulated time fixed by this Court.



2.The petitioner completed ITI in Draughtsman (Civil) on July 2009. The petitioner underwent the course from August 2007 to July 2009. Thereafter, registered in District Employment Office, Theni on 24.01.2013. On 05.08.2013, the petitioner received a letter from the third respondent Office to attend Written Test on 14.08.2013, for the selection of Road Inspector Grade-II post. The petitioner along with respondents 4 and 5 attended the Written Examination. Thereafter, the respondents 4 and 5 were selected and were appointed in the post. The fourth respondent has secured 76 marks, fifth respondent secured 63.66 marks and the petitioner secured 55.66 marks.

3.The petitioner applied for information about the selection process under Right to Information Act. The respondents have furnished the information that Tamil Nadu Panchayat Development Engineering Subordinate Service Rules was followed in the selection process and the said rules was passed in under G.O. Ms. No. 70 and came into effect on 25.05.1998. The plea of the petitioner is that the said G.O. states that the candidate possess ITI certificate in Civil Draughtsmanship from a Government recognized institute. The said G.O. is not stating about any marks. Even though the petitioner has raised that reservation was not followed, the petitioner has not canvassed the said plea.

4.The respondents have filed a counter affidavit stating that the reservation policy was followed as per the existing reservation policy. The counter affidavit also states that the petitioner has secured only 19 marks out of 60 in the Written Examination and that works out to only 31.66%, which is very much lower than the minimum marks prescribed in general for a pass in Government examinations and hence the petitioner was not selected.

5.When the petitioner filed this Writ Petition, the respondents have dismissed the fourth respondent, namely, Latchumana Murali, vide order, dated 22.01.2014 and the said Latchumana Murali has filed a Writ Petition in W.P.(MD)No.1690 of 2014.

6.Heard Mr.K.Guhan, learned Counsel appearing for the petitioner and M/s.D.Farjana Ghousia, learned Special Government Pleader appearing for the respondents 1 to 3.

7.As rightly pointed out by the respondents, the petitioner has secured only 19 marks out of 60, whereas the said Latchumana Murali and the said fifth respondent Thiruppathi have secured higher marks than the petitioner. The petitioner herself has stated in her affidavit that the fourth respondent has secured 76 marks, the fifth respondent has secured 63.66 marks and the petitioner has secured



55.66 marks. The relevant portion of the affidavit is extracted below:

"4. I submit that on 14.08.2013 I and six others including the 4th & 5th respondents have attended the written examination conducted by the third respondent. Thereafter, the 4th & 5th respondents were selected and appointed as Road Inspectors Grade-II post. The written examination was held for 60 marks and 40 marks are allotted for employment seniority. The 4th respondent has scored 76 marks, the 5th respondent has scored 63.66 marks and I scored 55.66 marks. The 4th & 5th respondents were selected and appointed as Road Inspector By the third respondent herein. I came to know about the said information only after getting particulars under RTI Act."

8. Therefore, this Court is of the opinion that there is no merit in this Writ Petition. Hence, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Tmg

To

1. Secretary to the Government,
Rural Development Department,
Secretariat,
St. George Fort, Chennai - 600 009.

2. The Director,
Rural Development Department,
Panagal Salai, Chennai - 600 017.

3. The District Collector,
Collectorate Campus, Theni District.

+1 CC to M/s.K.GUHAN, Advocate (SR-39187[F] dated 16/12/2021)

+1 CC to M/s.SPL.GP (SR-39714[F] dated 21/12/2021)

W.P.(MD)No.1413 of 2014

15.12.2021

MGJ(10.01.2022) 3P 6C