



W.P.No.10483 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10483 of 2019

and W.M.P.No.10998 of 2019 and W.M.P.No.25986 of 2021

J.Rajesh

...Petitioner

Vs.

1.The Director of Employment and Training,
Thiru.Vi.Ka. Industrial Estate,
Guidny,
Chennai – 600 032.

2.The Principal,
Government of Industrial Training Institute,
Gingee Road, Sandhaimedu,
Tindivanam, Villupuram District – 604 001.

3.C.Suganya

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 and 2 to cancel the appointment of the 3rd respondent as Office Assistant, Government Industrial Training Institute, Gingee Road, Sandhaimedu, Tindivanam, Villupuram District 604 001 and appoint the petitioner as office Assistant.



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For Petitioner	: Mr.S.Thendral for M/s.C.S.Associates
For Respondent	: Mr.G.Nanmaran Special Government Pleader for 1 and 2 Mr.N.A.Nissar Ahmed for R3

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to cancel the appointment of the 3rd respondent as Office Assistant at the Government Industrial Training Institute.

2.The petitioner states that he acquired the educational qualification in B.A. (English) in December 2012, B.Ed., in June 2014 and M.A. (English) in December 2016. The grievance of the petitioner is that he was not considered under the priority category for selection to the post of Office Assistant. More so, the petitioner claims that he is eligible to avail the Inter caste marriage priority quota, but the said benefit was also not extended. It is contended that he is the only eligible candidate to be appointed under General Turn priority category, because he is eligible under the inter caste marriage quota. In violation of the said rules, the 3rd respondent was selected and appointed as an Office Assistant on 12.03.2014.



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3.The learned Special Government Pleader appearing on behalf of the respondents mainly contended that all the eligible candidates were permitted to participate in the interview conducted by the Selection Committee. In response to the advertisement, 163 applications were received and certificate verification had been made by the Certificate Verification Committee, which found 118 applications were ineligible and 45 applications were eligible, including the candidates sponsored by the Employment Exchange, Villupuram. Consequently, the Selection Committee called the eligible candidates for oral test and physical test. 31 candidates were present for General Turn (Priority) category and two candidates were present for SCA (DW) category. The Selection Committee conducted oral test on 14.12.2018 F.N. to ascertain whether the applicants have the knowledge of reading and writing of vernacular language for dispatching purpose and the physical test was conducted to know whether the applicants are able to drive the bi-cycle for acting as messenger. Finally two women candidates were selected by the Selection Committee in which the 3rd respondent is one of them. The learned Special Government Pleader mainly contended that the petitioner is over qualified and he may not be suitable to perform the job responsibility to the post of Office Assistant. This was the main consideration of



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the Selection Committee at the time of process of selection.

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4.This Court is of the considered opinion that suitability and eligibility are an important factor while seeking a candidate. If a person is over qualified, he may not be suitable to perform menial jobs attached to the post of Office Assistant. The petitioner acquired the educational qualification of M.A., B.Ed., and therefore, he is undoubtedly over qualified and in the event of selecting such over qualified persons, they may become reluctant in performing menial jobs in the offices. This Court also considered the constitutional validity of the filling up of the Group D posts by over qualified persons. In the event of appointing over qualified persons in Group D posts, then, the lesser qualified are deprived of their opportunity to secure public employment through selection process. This Court insists that maximum qualification is also to be prescribed for selection to Group D posts. Otherwise many over qualified persons possessing Post Graduate degrees may participate in the process of selection and the lesser qualified cannot compete with such PG degree holders. Unless there is a level playing field is created, the lesser qualified persons will not get an opportunity to secure public employment. Thus, the decisions of the Selection Committee in not selecting the over qualified



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candidates for Group D posts has got relevance and this Court do not find any infirmity in respect of the Selection made. The 3rd respondent is a widow and found suitable to hold the post of Office Assistant. Contrarily, the petitioner is over qualified possessing the educational qualification M.A.,(English) and B.Ed., and this being the factum, the selection is in accordance with law and there is no infirmity.

5.Accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

28.11.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr



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S.M.SUBRAMANIAM, J.

SSR

To

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