



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WRIT PETITION NO.5975 OF 2014

AND

M.P.NO.1 OF 2014

M.Perumal

... Petitioner

Vs.

The Tashildar,
Palakode,
Dharmapuri District.

... Respondent

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring the action of the respondent in not appointing the petitioner to the post of Village Assistant based on the certificate verification on 27.11.2013 and proceeding to fill up the vacancies ignoring the petitioner, who is senior most among the candidates sponsored by the Employment Exchange, as illegal, arbitrary and contrary to law and consequently, direct the respondent to appoint the petitioner in anyone of the remaining three vacant position of Village Assistant.

For Petitioner : Ms.S.Kaavya for M/s.Balan Haridas

For Respondent : Mr.S.Prabhakaran
Government Advocate

O R D E R

A writ of declaration has been filed to declare the action of the respondent in not appointing the petitioner in the post of Village Assistant based on the certificate verification on 27.11.2013, as null and void.

2. The petitioner states that he completed tenth standard and failed. He registered his name in the District Employment Exchange. Seven vacancies aroused for the post of Village Assistant in the Palacode locality and the qualification for



appointment to the post of Village Assistant was pass in eighth standard. The name of the petitioner was sponsored and accordingly, certificate verification was done on 27.11.2013. The petitioner states that he appeared before the respondent. Along with the petitioner, 37 other candidates also appeared. The certificates were verified and the petitioner answered the questions. However, no appointment order has been issued. The petitioner, even in his affidavit, stated that at the time of filing of the writ petition, he has crossed 40 years and thus over aged. Therefore, his case is to be considered.

3. Learned Government Advocate appearing on behalf of the respondent disputed the said contention by stating that even at the time of certificate verification, the petitioner was over aged as he has crossed 40 years. As per the affidavit filed in support of the writ petition, the petitioner has crossed the maximum age limit of 40 years and therefore, he is not entitled. This apart, the petitioner was an unsuccessful candidate, who was not selected by the competent authorities and therefore, the writ petition is liable to be rejected.

4. As per the SSLC certificate, the date of birth of the petitioner is 30.07.1973. The certificate verification was done on 27.11.2013. Thus, the petitioner has completed 40 years of age and now he is aged about 49 years. That apart, the petitioner, though participated in the certificate verification, he was not selected by the competent authorities. The process of selection conducted in the year 2013 cannot be now interfered with. Further, the power of judicial review is to be exercised under Article 226 of the Constitution of India if the selection was conducted fraudulently or allegations of corrupt acts are established. In the present case, the petitioner could not able to establish any such allegation and even at the time of certificate verification, the petitioner was over aged and thus, he is not entitled for the relief as such sought for in the writ petition.

Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm



To

The Tashildar,
Palakode,
Dharmapuri District.

+1cc to M/s.Balan Haridas, Advocate, S.R.No.33433
+1cc to the Government Pleader, S.R.No.34524

Writ Petition No.5975 of 2014

PL (CO)
PM/21/06/2022