



W.P.(MD).Nos.18736 and 18769 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.09.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).Nos.18736 and 18769 of 2015
and
M.P.(MD).Nos.1, 1 and 2 of 2015**

W.P.(MD).Nos.18736 of 2015

N.Chandrasekaran

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.

3.The Tahsildar,
Manamelkudi Taluk,
Pudukkottai District.

4.The District Employment Officer,
Pudukkottai District,
Pudukkottai.

... Respondents



W.P.(MD).Nos.18736 and 18769 of 2015

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notification of the third respondent in his proceedings in Na.Ka.4268/2015/A3 dated 21.09.2015 and quash the same as illegal and arbitrary, consequently directing the respondents 1 to 3 herein to pass orders with regard to the result of the interview held on 12.02.2014 and to appoint the petitioner for the post of Village Assistants following the proceedings of the third respondent in Na.Ka.No.6644/2012/A3 dated 06.02.2014.

W.P.(MD).Nos.18769 of 2015

K.Thondeswari

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.

3.The Tahsildar,
Manamelkudi Taluk,
Pudukkottai District.

4.The District Employment Officer,
Pudukkottai District,
Pudukkottai.

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W.P.(MD).Nos.18736 and 18769 of 2015

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notification of the third respondent in his proceedings in Na.Ka.4268/2015/A3 dated 21.09.2015 and quash the same as illegal and arbitrary, consequently directing the respondents 1 to 3 herein to pass orders with regard to the result of the interview held on 12.02.2014 and to appoint the petitioner for the post of Village Assistants following the proceedings of the third respondent in Na.Ka.No.6644/2012/A3 dated 06.02.2014.

(In Both Writ Petitions)

For Petitioners : Mr.R.Sevugaraja

For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader.

COMMON ORDER

These two Writ Petitions were filed with same prayer and the prayer in the Writ Petitions is for Writ of Certiorarified Mandamus, to quash the impugned notification dated 21.09.2015 with a consequential direction to pass orders with regard to the result of the interview held on 12.02.2014 and appoint the petitioners to the post of Village Assistants following the proceedings of the



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third respondent in Na.Ka.No.6644/2012/A3 dated 06.02.2014.

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2. The brief facts of the case are that the writ petitioner in W.P.(MD). No.18736 of 2015 belongs to Hindu Meenaver Community which comes under the Most Backward Class community. The petitioner had studied up to 8th Standard and enrolled his name before the fourth respondent's employment exchange office on 08.06.2007 and the Registration Number is PDD2012M00000926 of 2007 and has periodically renewed the registration. Similarly, the petitioner in W.P.(MD).No.18769 of 2015 belongs to Hindu Yadhawa Community which comes under the Backward Class Community. She has studied up to 10th Standard and enrolled her name before the fourth respondent's employment exchange on 03.06.2002 and Registration Number is PDD2002F00001051 of 2002.

3. While so on 06.02.2014, the third respondent vide proceedings dated Nil.02.2014 had sent a call letter to the petitioner for appearing in the interview in respect of the appointment to the post of Village Assistant. Similar call letters were sent to the batch of persons for interview. The interview was conducted on 12.02.2014 at 11.00 A.M in the office of the third respondent.



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The appointment to the said post is only through an interview from the candidates duly sponsored by the Employment Exchange. The petitioners have successfully participated in the interview and hopefully waiting for the appointment order. But no order was communicated to the petitioners with regard to his appointment. However, in the month of August 2015, the candidates who were all attended the interview held on 12.02.2014, enquired the third respondent about the result of selection list. The third respondent replied that the selection list is before the second respondent for approval. In such circumstances, on 21.09.2015, the third respondent initiated the present impugned notification in his proceedings in Na.Ka.No.4268/2015/A3 dated 21.09.2015 and issued call letters to some candidates asking them to appear for an interview to be conducted on 06.10.2015 for the post of same Village Assistants in the same Taluk. Aggrieved over the same, the petitioners and similarly placed persons approached the respondents, but there was no proper response. The contention of the petitioners is that without passing order with regard to earlier selection process and without communicating the results of the interview which was held on 12.02.2014, the respondents cannot initiate a fresh proceeding as stated above. Therefore, having left with no other option, the present Writ Petitions are filed.



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4. The respondents have filed a counter stating that the selection process which was conducted 12.02.2014 was challenged before the Madurai Bench of Madras High Court in W.P.(MD).Nos.2406 of 2014 batch and this Court has passed an interim order wherein, it has stated that the interview can go on, but no appointment shall be made, since the selection process was pending, further proceedings were stopped. In the meanwhile, for the next year, the respondents have issued a notification and fixed a date to conduct interview on 06.10.2015. In this selection process, the writ petitioners have not participated and the employment exchange has not recommended the petitioners' name. Therefore, the writ petitioners' names were not considered.

5. Further, the writ petitioners are aged about 35 years and the writ petitioners belong to Backward Community. As per government orders and guidelines, the Village Assistant can apply up to 32 years of age. Since the petitioners are running 35 years, as on 30.11.2015, the petitioners are over aged. Unfortunately, the employment exchange while recommending the petitioners name in the year 2014, has not verified the age of the writ petitioners before sponsoring the names. Hence the respondents submitted that



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the petitioners are over age and they are not eligible to be considered.

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6. Heard Mr.R.Sevugaraja, the learned counsel for the petitioners and Mrs.D.Farjana Ghoushia, learned Special Government Pleader appearing for the respondents and perused the records.

7. When the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents submitted that a writ petition was filed for the similar relief in W.P.(MD).No.18281 of 2015 and while admitting the writ petition there was an interim stay to proceed further in the selection process for the year 2012 as well as 2014 and hence the selection process was not proceeded further. When the writ petition was taken up for final hearing, the Learned Single Judge vide order dated 03.07.2019 has held that the writ petitioner therein had participated in the selection process and was an unsuccessful candidate and hence unsuccessful candidate cannot seek declaration of the notification as null and void. The Learned Single Judge has further held that subsequent notification in the year 2015 is unconnected with the selection process already conducted during the year 2012 as well as in the year 2014 and finally dismissed the writ petitions by holding that the writ



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petitioner has not established any acceptable grounds for the purpose of granting any relief.

8. The Learned Counsel appearing for the petitioner submitted that while admitting the present writ petition, there is an interim direction to keep one post vacant and hence the petitioner prayed to direct the respondents to appoint the petitioner in the vacant post. But the Learned Special Government Pleader submitted that the writ petitioners as on the date of filing this Writ Petition was 35 years and they are over age. The writ petitioners belong to Backward Community and as per the government orders and guidelines, the Village Assistant can apply up to 32 years of age. Since the petitioners are running 35 years, as on 30.11.2015, the petitioners are over aged and hence, they are not eligible to be considered. However, there is no record before this Court to substantiate the petitioners are over age. Therefore, this Court is directing the respondents to consider the candidature of the petitioner in accordance to law and pass orders within a period of eight (8) weeks from the date of receipt of the copy of the order.



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9. With the above direction, the Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
Nsr

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S.SRIMATHY, J.

Nsr

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