



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .No.20713 of 2016

and

W.M.P. (MD) .Nos.14805 and 14806 of 2016

G.Nagalakshmi

... Petitioner

Vs.

1.The Tahsildar,
Keelakkarai Taluk,
Keelakkarai,
Ramanathapuram District.

2.G.Naveen

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent in proceedings Na.Ka.No.A3/6246/2016 dated 10.08.2016 and quash the same as illegal, arbitrary and further to direct the first respondent to appoint the petitioner as Village Assistant, Panaiyadiyendhal Village as per the interview held on 10.08.2016.

For Petitioner	: Mr.K.C.Ramalingam
For R-1	: Mr.S.Kameswaran
	Government Advocate (Civil Side)
For R-2	: Mr.D.Balamurugapandi

ORDER

This Writ Petition has been filed challenging the order dated 10.08.2016 with a consequential prayer to direct the first respondent to appoint the petitioner as Village Assistant.

2. The petitioner has completed SSLC in the year 1994. Based on the advertisement in newspaper dated 07.07.2016, in pursuance of G.O. Ms. No. 44 dated 11.03.2015, the first respondent has called for applications for the post of Village Assistant. The petitioner after seeing the paper publication has submitted her application for the said post.



3. The contention of the petitioner is that the second respondent was not enrolled in the Employment Exchange and the second respondent is not eligible to be appointed for the said post. Hence the petitioner has challenged this Writ Petition challenging the appointment order issued to the second respondent.

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4. The first respondent has filed a counter stating that based on the order of the Collector of Ramanathapuram District dated 01.03.2016, a list was called for from the Employment Exchange. Thereafter, a paper publication was also issued. The Employment Exchange has given a list of names consisting of five candidates and through paper publication, applications were also received. The first respondent has received 45 such candidates in which 15 persons have participated in the Interview. Since the second respondent comes under the priority category of Ex-serviceman, the second respondent candidature was selected and appointed through the impugned order. The petitioner was not selected because of her over age.

5. The second respondent has also filed a counter along with the typed set of papers. As per G.O.Ms.No.521 Revenue (Ser VII (2)) Department dated 17.06.1998, the age was fixed as 30 years on the date of sponsoring by the Employment Exchange. For the Backward and Most Backward and SC and ST communities, it was fixed as 35 years. Since the petitioner is 38 years of age, she is over age and she cannot be selected. It is submitted by the second respondent that the second respondent is 23 years of age and he comes under the Ex-serviceman priority quota and he was selected and there is no infirmity in the appointment of the second respondent.

6. Heard Mr.K.C.Ramalingam, learned counsel for the petitioner and Mr.S.Kameswaran, learned Government Advocate(Civil Side) for the first respondent and Mr.D.Balamurugapandi, learned counsel for the second respondent.

7. The first respondent has produced the file. On perusing the file, it is seen that 45 candidates have submitted their application and have participated in the selection process. Out of 45 candidates, 15 persons were called for interview and the second respondent was selected based on the priority category of Ex-serviceman. The petitioner stated that she also comes under the priority category of Widow. However, it is seen that the petitioner is overage and she is 38 years of age at the time of calling for list from the Employment Exchange.

8. Therefore, this Court is of the considered view that the petitioner is not eligible to be appointed in the said post because of overage.

9. The learned counsel for the petitioner submitted that she is a widow and having children, she is trying hard to eke
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out her livelihood, her candidature may be considered for any other post. The petitioner is given liberty to submit a representation to the District Collector and the District Collector may consider her application in accordance to law. The impugned order of appointment is confirmed.

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10. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

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.

To

The Tahsildar,
Keelakkarai Taluk,
Keelakkarai,
Ramanathapuram District.

COPY TO:

THE DISTRICT COLLECTOR, RAMANATHAPURAM

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-12336[F]
dated 15/03/2022)

+1 CC to M/s.K.C.RAMALINGAM, Advocate (SR-12644[F] dated 17/03/2022)

+1 CC to M/s.SPL GP (SR-12531[F] dated 16/03/2022)

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SR(CO)

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