



WEB COPY



W.P.No.1190 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 19.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1190 of 2023

&

W.M.P.No.1220 of 2023

R.Raja

S/o. Ramamoorthi

.. Petitioner

Vs.

1.The Tahsildar, Taluk Office
Virudhachalam Taluk,
Cuddalore District.

2.The District Collector
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for a Writ of Mandamus directing the respondents to select the
petitioner for the post of Village Assistant pertaining to notification
No.Na.Ka.D1/3887/2022 dated 10.10.2022.

For Petitioner : Mr.G.Kadhiresan

For Respondents : Mr.Ru.Dinesh Rajkumar
Additional Government Pleader



W.P.No.1190 of 2023

ORDER

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This writ petition has been filed for issuance of a writ of mandamus to select the petitioner for the post of Village Assistant.

2. The case of the petitioner is that the first respondent issued a notification dated 10.10.2022 for selection to the post of Village Assistant and there were totally 17 vacancies. The petitioner applied to the post under the category General Turn (blind). The petitioner also attended the written test on 04.12.2022 and was also called for an interview on 04.01.2023. The grievance of the petitioner is that even though he had fulfilled all the requirements, he was not selected and someone else has been selected, who has obtained a double degree and thereby, the petitioner has been deprived of one last opportunity to get into the Government job. It is under these circumstances, the petitioner has knocked the doors of this Court seeking for appointment to the post of Village Assistant.

3. Heard Mr.G.Kadhiresan, learned counsel for the petitioner and Mr.Ru.Dinesh Rajkumar, learned Additional Government Pleader,



W.P.No.1190 of 2023

appearing for the respondents.

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4. The main grievance that was agitated by the learned counsel for the petitioner is that the person, who has been selected under the category General Turn (blind) is overqualified and he possesses double degree, whereas the qualification that is required is only fifth standard pass. The other ground raised by the learned counsel for the petitioner is that the petitioner was not even provided with the assistance of a scribe and that the person, who has been selected to the post of Village Assistant, had the influence of his father, who was working in the Revenue Department. Thereby, the very selection process that was adopted by the respondents is illegal and liable to be interfered with by this Court.

5. Insofar as the first ground is concerned, over qualification can never be a disqualification and the law on this issue has been spoken by the Apex Court in *Y.Srinivasa Rao v. J.Veeraiah and others [(1992) 3 SCC 63]*. This judgment has been followed by this Court in *J.Jamuna v. The District Collector, Villupuram District and others [2019 2 WLR 956]*. Hence, the first ground that has been raised by the learned counsel for the petitioner is liable to be rejected.



W.P.No.1190 of 2023

6. Insofar the second ground raised by the learned counsel for the petitioner to the effect that the selection process itself is illegal, the same is unsustainable since the affidavit filed in respect of the writ petition does not state as to how the selection was illegal. In the first place, the person, who was selected to the post of Village Assistant has not been made as a party in this case. That apart, the facts that were urged by the learned counsel for the petitioner are merely *ipse dixit* of the petitioner without any supporting materials. Admittedly, the appointment has been given to a person, who fulfills the criteria for General Turn (blind) and the said appointment cannot be interfered on certain vague allegations made by the petitioner.

This Court does not find any merit in this writ petition and in view of the same, the present Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

19.01.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

gm



W.P.No.1190 of 2023

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To

- 1.The Tahsildar, Taluk Office
Virudhachalam Taluk,
Cuddalore District.
- 2.The District Collector
Cuddalore District.



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W.P.No.1190 of 2023

N.ANAND VENKATESH, J

gm

W.P.No.1190 of 2023

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