



W.P.No. 19483 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.19483 of 2019

Nirmala

.. Petitioner

Versus

1. The District Collector,
O/o The Collectorate Office,
Marakkanam,
Villupuram District.

2. Tahsildar
Marakkanam Taluk
Villupuram District.

3. P. Sarada

.....Respondent

Prayer: This writ petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records sequel to the appointment of Village Assistant Officer made by the second respondent in favour of the 3rd respondent vide letter no. bearing Na.Ka3/411/2018, dated 25.02.2019 to quash the same and



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consequently direct the respondents 1 and 2 to appoint the petitioner to the post of Village Assistant Officer in Madavanthangal village, Villupuram District and pass orders.

For Petitioner : Mr. R. Thirumoorthy
For Respondent-2 : Mr. M. Mushu Samy
For Respondent -3 : M/s T. Jayaramaraj

ORDER

This writ petition is filed seeking a writ of Certiorarified Mandamus to issue a writ of Certiorarified Mandamus calling for the records sequel to the appointment of Village Assistant Officer made by the second respondent in favour of the 3rd respondent vide letter no. bearing Na.Ka3/411/2018, dated 25.02.2019 to quash the same and consequently direct the respondents 1 and 2 to appoint the petitioner to the post of Village Assistant Officer in Madavanthangal village, Villupuram District and pass orders.



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2. The case of the petitioner is that on 20.01.2019 a notification was published by the second respondent in tamil news paper for the post of Village Assistant Officer. The petitioner possess all the requisite qualification for the said post and she applied for the said post, in response to that the second respondent vide letter dated 18.05.2018 bearing letter no. Na.Ka.a3/411/2018 sent interview card to appear for the interview on 01.06.2018 and the petitioner also appeared for the interview. The grievance of the petitioner is the 3rd respondent was selected and the petitioner's candidature was rejected. Hence to quash the appointment of the 3rd respondent and appoint this petitioner to the said post, the petitioner has come up with this petition.

3.The learned counsel for the petitioner submitted that the petitioner possess all the requisite qualification and she has been rejected. He further submitted that the clause mentioned in G.O issued by the Revenue (Ser.VII(2) Department Vide G.O.(Ms). No.521, dated 17.06.1992 prescribed for other qualification in Para No.7(c) that the person appointed to the said post shall belong to the same village and the petitioner belongs to the same village. Hence he prays to allow this petition.



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4. The learned counsel for the respondents submitted that in the Notification, they have clearly stated about the age limit for general category is 21 years and there was a relaxation for other communities. With regard to the petitioner as she belongs to Most Backward Community the age relaxation is upto 35 years. At the time of applying for the said post the petitioner is aged 35 years and 2 months, wherein the prescribed aged limit is 35 years. Further more as per the GO (MS) No.521 dated 17.06.1998 stated that regarding age limit for the post of Village Assistant is as follows:

“ No person shall eligible for appointment to the post by direct recruitment unless he has completed or will complete the age of twenty one years of if he has complete or will complete thirty years on the date of sponsoring by the Employment Exchange, provided that in case of persons belong to any of the Back Ward classes or Most Backward Classed and Denotified communities or schedule Castes or a Schedule Tribes, the upper age limit shall be thirty five years”

He further submitted that there is no merit in the submissions made by the petitioner. Hence, prays to dismiss the petition.



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5.I have given anxious consideration to the either side submissions.

6. On a perusal of records it is seen that in a tamil daily 5 vacancies were published for the post of Village Assistant and 86 applications were received and the petitioner also applied for the said post. Based on the qualification and their performance in Oral and written test conducted by the respondents 1 and 2 and by due procedure of law, 5 persons were selected and the third respondent herein is one among them.

7. Before advertng, further this Court deem fit to go through the Government Order G.O.Ms(No) 521, dated 17.06.1998 in (Rev) Ser VII (E) Department and the relevant portion regarding the age limit is extracted hereunder:

“No person shall be eligible for appointment to the post by direct recruitment unless he has completed or will complete the age of twenty one years or if he has completed or will complete the age of thirty years on the date of sponsoring by the Employment Exchange,



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Provided that in case of persons belonging to any of the Backward classes or Most Backward classed and denotified Communities or Schedule Caste or a Schedule Tribes, the upper age limit shall be thirty five years.

8. As per the above norms fixed in the Government Order, the maximum age of the candidate is 35 years and this petitioner is 36 years at the time of notification, whereas the 3rd respondent herein is aged 29 years and she also done well in the interview and furthermore she possessed the requisite qualification for the Village Post. Hence, she has been issued appointment order.

9. It is a very well established fact that in all the Government Appointments the candidates who are applying for the said post should be eligible for the said post, whereas in the instant case the petitioner is not eligible for applying for the said post, even after applying 5 years age relaxation applicable for the Most Backward Community, as the petitioner belong to the said community. To put it in other way, the petitioner has challenged the parameter fixed in the notification which



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cannot be granted by this Court.

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10. In view of the above facts, this Court is of the view that the appointment order given to the third respondent by the second respondent in Na.Ka3/411/2018 dated 25.02.2019 is in accordance in law and there is no necessity to quash the same. For the foregoing reasons, this writ petition is dismissed. No order as to costs.

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Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

smn

To.

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2. Tahsildar
Marakkanam Taluk
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V.BHAVANI SUBBAROYAN, J.

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