



W.P.No.29220 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

W.P.No.29220 of 2014

and

M.P.No.1 of 20015

A.Ravi

.... Petitioner

vs

1. The District Collector,
Villupuram District,
Collectorate,
Villupuram.

2. The District Employment Officer,
District Employment Office,
Villupuram District,
Villupuram.

3. The Tahsildar,
Tirukovilur Taluk,
Taluk Office,
Tirukovilur,
Villupuram District.

... Respondent

Writ Petitions filed under Article 226 of the Constitution to issue a
Writ of Certiorarified Mandamus to call for the records pertaining to the



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proceedings in A2/8561/2014 dated 17.10.2014 on the file of the 2nd respondent and quash the same as illegal, incompetent and ultravires and consequently direct the 3rd respondent to appoint the petitioner in the post of Village Assistant.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.S.Ravichandran,
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the 2nd respondent dated 17.10.2014, in which, the petitioner's request to sponsor his name to the post of Village Assistant was rejected.

2. The brief facts of the case is as follows:

The petitioner is the resident of G.Ariyur Village, Tirukovilur Taluk. His father Anjamani, worked as Village Assistant for more than forty years with the third respondent and retired from service on 10.08.2009. The petitioner had been working as Village Assistant temporarily for the past 20 years. He has registered his name with the 2nd respondent/ Employment



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Exchange on 06.11.1996 and renewed periodically. In the year 2010, the posts of Village Assistants were filled up by the respondents but the petitioner's name was not sponsored. The petitioner had given several representations to the respondents to consider his name since his juniors have been considered for said post but he was not appointed. Even in the year 2012, the third respondent filled up 57 posts of Village Assistant at Tirukovilur Taluk and called for list of candidates from the 2nd respondent but the petitioner was not appointed. Now, the respondents proposed to fill up 11 posts which are vacant in Tirukovilur Taluk and if the name of the petitioner is missed this time, he would not get a change for employment under the Government. Again, the petitioner gave representation on 27.06.2014 to the respondents to consider his name for the post of Village Assistant. Since no action was taken, he filed W.P.No.25757 of 2014 before this Court to consider his representation. This Court was pleased to dispose of the same by order dated 22.09.2014. The 2nd respondent in his proceedings dated 17.10.2014 rejected his request to sponsor his name to the post of Village Assistant stating that the petitioner was crossed 40 years of age. Hence, this writ petition with the aforesaid relief.



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3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the 1st to 3rd respondents.

4. Learned counsel for the petitioner would submit that the upper age limit for the scheduled caste is 35 years and the persons who passed V standard and not completed X standard have been given 5 years concession. He would further submit that in addition to that, each 3 years of employment seniority is equivalent to one year relaxation as per G.O.Ms.No.21 dated 02.02.2000. The petitioner has enrolled with the 2nd respondent in the year 1996 and as of now, the petitioner is eligible for five years of concession. In similar situation, this Court has granted all concessions mentioned above and the 3rd respondent has implemented the same.

5. On the contrary, the learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that in the year 2012, there was no vacancy received for G.Ariyur Village and the petitioner's seniority does not come within the cut off date in scheduled caste category and in General Non Priority category also. In the year 2013, the age limit



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notified by the 3rd respondent for the post of Village Assistant is 35 years for SC as on 01.07.2013 and the petitioner has already crossed the age of 40 years on 01.07.2013. Hence, the name of the petitioner was not sponsored. Therefore, the 2nd respondent has rightly rejected the request made by the petitioner.

6. This Court considered the rival submissions and perused the materials available on record.

7. It is seen from the records that in the year 2010, the Tahsildar, Thirukoilur notified 27 posts of Village Assistants in Thirukoilur Taluk and the petitioner's village, G.Ariyur was allotted for MBC/W/DW vacancy and not for SC vacancy. Thus, the name of the petitioner was not sponsored against the said vacancy. In the year 2012, there was no vacancy received for G.Ariyur Village. Further, in the year 2013, the age limit notified for SC category is 35 years as on 01.07.2013 and the petitioner has already cross the age of 40 years on 01.07.2013. Hence, his name was not sponsored. Even as per G.O.Ms.No.21 Labour and Employment Department dated 02.02.2000, a person registered in employment office with qualification



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below SSLC alone was eligible for getting upper age relaxation of one year for every three years completion, subject to maximum of 5 years. As the petitioner belongs to schedule caste, the age limit prescribed for the post of Village Assistant is 35 years and for registering his qualification as below SSLC with employment office on 06.11.1996, he is only eligible for getting 5 years relaxation in upper age limit. The petitioner's date of birth is 03.05.1973 and he has already crossed 40 years of age as on 01.07.2013 and hence, his name was not sponsored by the 2nd respondent. The 2nd respondent has rightly rejected the claim of the petitioner. Therefore, this Court is not inclined to interfere with the order passed by the 2nd respondent.

8. In the result, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
vsi



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