



W.P.No.1921 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1921 of 2023
and W.M.P.Nos.2009 & 2011 of 2023

P.Kudiyarasu

... Petitioner

Vs.

1.The Principal Secretary to Government,
Chepauk, Revenue and Disaster Management Department,
Chennai-600 004.

2. The Revenue Tahsildar,
Taluk Office,
Kallakurichi Taluk and District.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus or any other appropriate writ, order or direction in the nature of a writ calling for the records of the 2nd respondent in his notification in A3/4143/2022 dated 09.10.2022 quash the same and consequently direct the 2nd respondent to appoint the petitioner as Village Assistant within the jurisdiction of the 2nd respondent.



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For Petitioner : Mr.M.Senthilkumar
For Respondents : Mr.D.Ravi Chandar,
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the notification issued by the 2nd respondent dated 09.10.2022 calling for the applications to fill up the post of Village assistant.

2. The case of the petitioner is that the 2nd respondent during the year 2013 has issued a notification calling for applications to fill up the post of Village assistant. The petitioner also applied in the said selection and ultimately, one Manimaran was selected. This selection became a subject matter of challenge in W.P.No.8017 of 2014.

3. The above Writ Petition came up for hearing on 23.03.2021 and the Writ Petition was disposed of in the following manner.



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(i) When the matter was taken up for consideration, the learned Additional Government Pleader appearing for the respondents 1 & 2 submitted that the petitioner's case would be considered sympathetically, when future vacancy arises. The said submission is agreed by the petitioner.

(ii) Recording the submission made by the learned Additional Government appearing for the respondents 1 and 2, this Writ Petition stands closed. No Costs. Consequently, the connected miscellaneous petition is also closed.

4. The grievance of the petitioner is that the 2nd respondent even without going by the earlier undertaking given before this Court, proceeded to once again issue notification dated 09.10.2022 calling for applications to fill up the post of Village assistant. According to the petitioner, his name should have been considered if there are any vacancies and only for the balance vacancies, the notification should have been issued. Aggrieved by the same, the present Writ Petition has been filed.

5. Heard Mr.M.Senthilkumar, learned counsel appearing for the petitioner and Mr.D.Ravi Chandar, learned Additional Government Pleader appearing for the respondents.

6. In the considered view of this Court, the concession given by the learned Additional Government Pleader appearing for the respondents to the



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effect that the case of the petitioner will be considered sympathetically. As and when future vacancies arises, does not create a legal right in favour of the petitioner to challenge the present notification issued by the 2nd respondent dated 09.10.2022.

7. The petitioner is already aged about 45 years and on going through the notification, it is seen that the maximum age for applying is 32 years and for persons belonging to certain communities, it is 37 years. The petitioner will not be able to apply under any of the categories since he has crossed the age limit long before.

8. This Court does not find any ground to interfere with the notification issued by the 2nd respondent and the 2nd respondent was perfectly right in issuing notification since posts in public office can be filled only by way of inviting applications and by selecting the competent persons. An earlier concession given by the learned Additional Government Pleader, who represented the respondents, cannot be put against the notification and the same does not create any cause of action to challenge the present notification issued by the 2nd respondent.



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9. In the result, this Writ Petition is dismissed. However, it is left open to the petitioner to make fresh representation to the 2nd respondent based on the earlier order passed by this Court and the 2nd respondent shall consider the same on its own merits and in accordance with law and take a decision within a period of four weeks from the date of representation from the petitioner and convey the same to the petitioner. This direction issued by this Court will not come in the way of the 2nd respondent in proceeding further with the selection pursuant to the notification issued on 09.10.2022. No Costs. Consequently, connected Miscellaneous Petitions are closed.

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Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Neutral Citation: Yes/No

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