



W.P.(MD)No.954 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 12.01.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)No.954 of 2023**

**and**

**W.M.P.(MD)Nos.894 to 896 of 2023**

Suganya

... Petitioner

**Vs.**

1. The Additional Chief Secretary to Government,  
Revenue and Disaster Management Department,  
Secretariat,  
hennai - 600 009.

2. The District Collector,  
Pudukkottai District.

3. The Tahsildar,  
Alangudi Taluk,  
Pudukkottai District.

... Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned Government Order in G.O.(Ms).No.574, dated 17.10.2010 on the file of the first respondent and quash the same as illegal and unconstitutional insofar as awarding additional marks for additional educational qualification as per clause 3.1 and further directing the third respondent to conclude the recruitment process of Village Assistants in Alangudi Taluk, Pudukkottai District, by independently assessing the candidates based on the written, reading and oral tests.



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For Petitioner : Mr.K.Jeyamohan  
For Respondents : Mrs.K.Christy Theboral  
Additional Government Pleader

## ORDER

This Writ Petition has been filed to call for the records of the impugned Government Order in G.O.(Ms).No.574, dated 17.10.2010 passed by the first respondent, quash the same as illegal and unconstitutional insofar as awarding additional marks for additional educational qualification as per clause 3.1 and further direct the third respondent to conclude the recruitment process of Village Assistants in Alangudi Taluk, Pudukkottai District, by independently assessing the candidates based on the written, reading and oral tests.

2. The case of the petitioner is that the petitioner is a destitute widow with two minor daughters. Pursuant to the notification issued by the third respondent, the petitioner has applied to the post of Village Assistant. The minimum prescribed qualification for participating in the recruitment process is 5<sup>th</sup> Standard. The petitioner has participated in all the stages of



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recruitment including the interview and awaiting for the result. Later, she came to know that more than 300 persons applied for the said post, which included graduates in Engineering as well as Post Graduates. Such application of over-qualified persons would deprive her right to get the job. On further enquiry, she came to know that the third respondent is awarding more marks for the higher educational qualification based on the Government Order in G.O.(Ms)No.574, Revenue and Disaster Management Department, dated 17.10.2020. Challenging the same, the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that admittedly the minimum prescribed qualification to the post of Village Assistant is 5<sup>th</sup> Standard and the person, who studied 5<sup>th</sup> Standard, is entitled to participate in the selection process. Further, the selection process will conduct on three stages, including, written examination, reading examination and an interview. In the interview, they are awarding extra marks to the persons, who are qualified with higher educational qualifications. For awarding more marks to the over-qualified persons, will



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discriminate the persons, who are in lesser qualification, is clearly in violation of Article 14 of the Constitution of India. Accordingly, he prayed for allowing the Writ Petition.

4. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

5. The facts in the present case are not in dispute. Admittedly, the petitioner has participated in the selection process to the post of Village Assistant in Alangudi Taluk and she completed all three stages. After completing the interview, the petitioner has filed this Writ Petition challenging the guidelines issued in G.O.(Ms)No.574, Revenue and Disaster Management Department, dated 17.10.2020.

6. However, the fact remains that the said Government Order was issued in 2020, pursuant to which, the recruitment notification was issued in 2022 for filling up the post of Village Assistant, in which, the petitioner has participated and completed all three stages. However, the State issued



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Government Order fixing minimum qualification for participating in the selection process that does not mean that the higher qualified persons will not be entitled to participate. In order to streamline the awarding of the marks, guidelines were issued. Since the guidelines issued in the said Government Order is not in violation of Article 14 of the Constitution of India, the prayer sought for in the present Writ Petition cannot be granted.

7. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

**12.01.2023**

NCC: Yes / No  
Index : Yes / No  
Speaking Order : Yes / No

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**M.DHANDAPANI,J.**

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