



W.P.(MD) No.1894 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.1894 of 2023
and WMP(MD) No.1662 of 2023

S.Muthuprakash

... Petitioner

-VS-

1.The District Collector
Tenkasi District
Tenkasi.

2.The Tahsildar,
Alangulam Taluk
Tenkasi District.

3.Ponveni

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to impugned proceeding of the 2nd respondent vide Rev.Alg/433/2022.A4 dated 11.01.2023 and quash the same as illegal and consequently direct the 2nd respondent to appoint the petitioner as Village Assistant.



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For Petitioner : Mr.N.Ramya
For Respondents : Mr.S.P.Maharajan for R1 & R2
Special Government Pleader
Mrs.C.Geetha for R3

ORDER

Challenging the impugned proceeding of the 2nd respondent and for a direction to the 2nd respondent to appoint the petitioner as Village Assistant, this writ petition has been filed.

2. The case of the petitioner is that he participated to the post of Village Assistant in Thuppakudi Village, which has been reserved for MBC/DNC non priority. Since the petitioner is overqualified, his candidature was rejected. However, the 3rd respondent is possessing B.Sc., and the petitioner is possessing 8th standard and the minimum qualification is 5th standard and hence, the rejection of the petitioner and the selection of the 5th respondent is per se illegal and unsustainable.



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3. The learned Special Government Pleader would submit that the petitioner applied to the post of Village Assistant, which was reserved for MBC/DNC (Non priority) category and totally 35 persons participated in the interview and the third respondent, who is a DNC candidate and possessed a degree, secured 76.3 marks, whereas, the petitioner secured only 61.7 marks and therefore, he was not selected.

4. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents and perused the materials available on record.

5. From the counter affidavit filed by the respondents and a perusal of the documents, it reveals that the petitioner secured only 61.7 marks, out of which, 5 marks for educational qualification, 10 marks for riding/driving skill, 25 marks for nativity, 10 marks for written test, 2 marks for reading skill and 29 marks in interview. However, the 3rd respondent secured 10 marks for educational qualification, 10 marks for riding/driver skill, 25 marks for nativity, 19 marks in written test, 6 marks for reading



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skill, 19 marks interview (6.3 average) and as such secured 76.3, which is higher than that of the petitioner. The respondents rightly selected the third respondent and thus, the selection of the third respondent does not require any interference.

6. In the result, this writ petition is dismissed. However, this order will not stand in the way of the petitioner to participate in the future selection. No costs. Consequently connected Miscellaneous Petition is closed.

09.02.2023

NCC : Yes/No

Index : Yes/No

RR



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- To
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M.DHANDAPANI, J.

RR

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