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W.P.(MD)No.6515 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.6515 of 2019
and
W.M.P.(MD)Nos.5204, 5205 of 2019
and 13719 of 2021

S.Imam Sirajdheen

... Petitioner

vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.P.A. to District Collector,
Office of the District Collectorate,
Thoothukudi District,
Thoothukudi.

3.The Tahsildar,
Office of the Tahsilar,
Srivaikundam Taluk,
Thoothukudi District.



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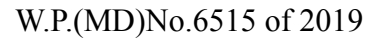
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4.Banu Priya,
Village Assistant,
Vadavallanadu,
Srivaigundam Taluk,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, to declare the appointment of the 4th respondent as communicated by the 3rd respondent, vide his proceedings Na.Ka.A6/1159/2019, dated 11.03.2019, is illegal and offends Article 14 and 16 of the Constitution of India and consequently, to direct the 3rd respondent to appoint the petitioner as Village Assistant at Vadavallandau, Srivaigundam Taluk, Thoothukudi District, with all other benefits.

For Petitioner	: Mr.H.Mohammed Imran for M/s.Ajmal Associates
For R1 to 3	: Mr.M.Lingadurai Special Government Pleader *****



5. The Learned Counsel appearing for the petitioner submitted that subsequently the Government has issued notification dated 10.10.2022 to fill up the vacancies and one post is allotted for BC Muslim priority category. Even though the respondents have issued the above said notification, the recruitment process was not conducted. Therefore, the petitioner prayed to direct respondents to accommodate the petitioner in



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the said post allotted to the BC Muslim. This Court is of the considered opinion that when the respondents have decided not acted upon the notification, then the respondents cannot be directed to conduct the recruitment process. Moreover, the petitioner cannot claim right over the said post.

6. But the petitioner is at liberty to participate in future recruitment process and the respondents may consider the petitioner's candidature by relaxing the age.

7. With the above said observation, the writ petition is disposed of.
No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
NCC : Yes / No

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