



W.P.(MD)No.3016 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 3016 of 2016

and

W.M.P(MD)Nos. 2641 & 2642 of 2016

P. Dhanapal ... Petitioner

Vs.

1. The District Collector,
Trichy District.

2. The Block Development Officer,
Thathaiyengarpettai Panchayat Union,
Musiri Taluk,
Trichy District.

3. The Commissioner,
Thathaiyengarpettai Panchayat Union,
Musiri Taluk,
Trichy District.

4. The District Employment Officer,
Trichy District,
Trichy.

5. Selvaraj

6. Kumar ... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, calling for the records relating to the impugned order, dated 28.12.2015 in Na.Ka.A1/674/2015 issued by the 3rd respondent and quash the same and consequently direct the 3rd respondent to appoint the petitioner for the post of Office Assistant in the 3rd respondent Panchayat Union Office.

For Petitioner	: No Appearance
For R-1, 3 & 4	: Mr.P.Thambidurai, Government Advocate
For R-5	: Mr.R.Ponkarthikeyan
For R-2 & 6	: No Appearance

ORDER

This writ petition is filed challenging the appointment order, dated 28.12.2015, issued to the 6th respondent, vide impugned order, dated 28.12.2015.

2. No appearance on the side of the petitioner. Heard Mr.P.Thambidurai, learned Government Advocate, appearing for the respondents 1, 3 & 4 and Mr.R.Ponkarthikeyan, learned counsel appearing for the 5th respondent. Perused the material documents available on records.



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3. The respondents have initiated recruitment process to fill up the vacancies for the post of Office Assistant. The respondents have called for a list of eligible candidates from the Employment Exchange, as well as issued paper publication, as news item informing about the recruitment process for the post of Office Assistant. After seeing the news item, two persons have applied. Totally seven persons have participated in the recruitment process. Thereafter, the respondents have formed a committee consisting members of Chairman and Vice Chairman of Panchayat Union Council and Block Development Officer. Totally seven persons were called for interview and marks were awarded. The 6th respondent has secured 19 marks and the petitioner has secured 11 marks. The committee has processed the recruitment. The 6th respondent was granted appointment order.

4. The contention of the petitioner is that the respondents ought to have taken Employment Exchange seniority and ought to have appointed the petitioner. As per age wise the petitioner was born in the year 1966, whereas the 6th respondent was born in the year 1994. The respondents have not issued any



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advertisement in any of the leading newspapers, calling for applications from the general public. Based on these grounds, the petitioner has filed this writ petition.

5. As far as the first ground is concerned, the Employment Exchange seniority cannot be the sole criteria to appoint any candidate. The recruitment ought to be on merit and merit alone.

6. The respondents have rightly conducted the recruitment process by constituting a committee and thereafter, seven candidates were processed and the 6th respondent was selected on merits. The respondents have awarded marks, the 6th respondent has secured 19 marks whereas the petitioner has secured 11 marks only.

7. As far as the next ground is concerned, the respondents have not issued any paper publication in any of the newspapers. Even though, the respondents have not issued any advertisement, the respondents have issued news item informing about the recruitment process, based on which, two candidates have also applied.



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8. Therefore none of the grounds is legally sustainable. Hence the writ petition is bound to fail. In view of the foregoing reasons, this Court is not inclined to entertain this writ petition.

9. Accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
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23.02.2023

To

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3. The District Employment Officer,
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S.SRIMATHY, J

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**Order made in
W.P.(MD)No.3016 of 2016**

23.02.2023