



W.P.No.1695 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.1695 of 2020 and
W.M.P.No.1969 of 2020

G.Nanjappan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai- 600 034.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
319, Thirugnanasambanthar Street,
State Bank Colony,
Salem - 636 604.

3.The Assistant Commissioner,
O/o.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Sengunthar Thirumanamandapam,
Kumarasamypet, Dharmapuri.

4.The Circle Inspector,
O/o.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Sengunthar Thirumanamandapam,
Dharmapuri Circle,
Kumarasamypet, Dharmapuri.



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5.The District Employment Officer,
District Employment Office,
Dharmapuri.

6.The District Employment Officer,
District Employment Office,
Krishnagiri.

7.K.Ezhil Arasan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent in Se.Moo.Na.Ka.No.2809/2017/A1 dated 14.12.2017, selecting and appointing the 7th respondent as Office Assistant in the office of the fourth respondent and quash the same as illegal and without jurisdiction. Consequently, direct the 3rd respondent to select and appoint the petitioner in the place of 7th respondent with retrospective effect with all attendant service benefits.

For Petitioner : Mr.S.Sathiaseelan
For Respondents : Mr.S.Ravichandran, AGP to RR 1 to 4, 6
Mr.L.S.M.Hasan Fizal, for R5
Mr.D.Madhusudanan, for R7

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the third respondent in Se.Moo.Na.Ka.No.2809/2017/A1 dated 14.12.2017, selecting and



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appointing the 7th respondent as Office Assistant in the office of the fourth respondent and quash the same as illegal and without jurisdiction.

Consequently, direct the 3rd respondent to select and appoint the petitioner in the place of 7th respondent with retrospective effect with all attendant service benefits.

2. Heard Mr.S.Sathiaseelan, learned counsel for the petitioner, Mr.S.Ravichandran, learned Additional Government Pleader to R1 to R4, R6, Mr.L.S.M.Hasan Fizal, learned counsel for R5 and Mr.D.Madhusudanan, learned counsel for R7.

3. In response to the notification dated 02.08.2017 calling for an application to the post of Office Assistant, the petitioner had applied for the same under MBC Priority Category. He had also participated in the selection process and at the end of the selection process, the seventh respondent has been selected for the said post. The petitioner has challenged the selection of the seventh respondent by way of filing this writ petition.

4. The learned counsel for the petitioner submitted that knowing



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cycling is not an essential qualification for the post of Office Assistant and the petitioner who is a physically challenged person was rejected for appointment to the post of Office Assistant on the ground that he did not know cycling; as per the notification dated 02.08.2017, only for the post of Night Watchman, the candidates should know cycling; the respondents cannot change the terms and conditions subsequent to the issuance of the notification.

5. However, Mr.S.Ravichandran, the learned Additional Government Pleader, for the respondents 1 to 4 submitted that the petitioner had crossed the maximum age limit for MBC Priority Category for which the maximum age as per the notification is 32 years.

6. The learned counsel for the petitioner further submitted that the maximum age limit for MBC Priority Category is 34 years and physically challenged person is 49 years and hence the petitioner's age cannot be the reason for rejecting his candidature.



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7. It is seen from the records that the seventh respondent is at S.No.22 and has secured 27 marks. The petitioner who is at Serial No.91 has secured 15 marks. The total of 40 marks have been allotted for the assessment of the individuals who applied to the post of Office Assistant. The records does not disclose that any marks have been reserved for cycle riding. In fact all the persons who applied are found to be called for interview including the petitioner. It seems that the petitioner has been given with age relaxation for participating in the interview. But the records does not show that any marks have been reserved for cycle riding.

8. The sole ground on which the Writ Petition is filed itself shattered in view of the fact that cycle riding was not considered as one of the required skill for selection. Since the petitioner has got lesser mark than the seventh respondent, he did not get better opportunity than the seventh respondent. The records would also show that there are candidates who have secured better marks than the petitioner. As there is no illegality or unfairness is seen to be present in the selection process, I find no reason to quash the proceedings challenged in this Writ Petition.



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9. In view of the above stated reasons, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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