



W.P.No.27417 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 29.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.27417 of 2011
and
M.P.Nos.01 & 02 of 2011

P.M.Thirupathiammal

....Petitioner

Vs

1. The District Collector,
Vellore District.

2. The Tahsildar,
Ambur Taluk,
Vellore District.

3. Karthick Saravanan

....Responden

ts

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorari calling for the records on the file of the 2nd respondent in proceeding No.Na.Ka.A1.2264/2010 dated 03.08.2011 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : M/s.V.Srimathi

For R1 & R2 : Mr. D.Gopal
Government Advocate

For R3 : Mr. R.Rajesh Krishnan



W.P.No.27417 of 2011

WEB COPY

ORDER

The Writ Petition has been filed to call for the records on the file of the 2nd respondent in proceeding No.Na.Ka.A1.2264/2010 dated 03.08.2011 and quash the same as illegal, incompetent and without jurisdiction.

2. The learned counsel for the petitioner submitted that, petitioner belongs to Adi-draavidar community. She completed the Secondary School Education. On completion of her study, she registered her employment with the District Employment Office on 04.08.2008. Based on the employment registration seniority, petitioner was called for the interview for the post of Village Assistant on 12.11.2010. Petitioner appeared for interview. However, no reply was received. Thereafter, she received another call letter on 20.06.2011 calling to attend the interview on 23.06.2011. Petitioner appeared for the interview and later she came to know that the 3rd respondent was appointed for the post of Village Assistant. Petitioner has requisite qualification. However, 3rd respondent has no such qualification and he was not residing in the Village where Village Assistant has to be appointed. In the said circumstances, present Writ Petition is filed.



W.P.No.27417 of 2011

WEB COPY

3. The learned counsel for the 1st and 2nd respondents submitted that petitioner had registered with Employment Exchange in the year 2008. She belongs to Scheduled Caste community. As per G.O.Ms.No.21, Labour and Employment (N2) Department, dated 02.02.2000, the age relaxation will be given for those who had less than SSLC qualification i.e., for every completed 3 years from the date of registration with employment exchange, one year would be given as age relaxation to the maximum of five years. Petitioner belongs to Scheduled Caste community and maximum age for the post of Village Assistant is 35 years. Since, she had registered with employment exchange only in 2008, she was eligible for one year age relaxation. However, at the time of commencement of selection process, she completed 39 years and therefore, she becomes ineligible for consideration. On the other hand, 4th respondent had registered with employment exchange in the year 2005. He resides within 1km from the place, where he is posted. He had other required qualifications and therefore, he was selected. Thus, he submitted that nothing survives in this Writ Petition and prays for dismissal.



W.P.No.27417 of 2011

4. Considered the rival submissions and perused the records. From the narration of facts and records produced, it is seen that, petitioner had passed 9th Standard and 3rd respondent passed 8th Standard. When it comes to registration with Employment Exchange, 3rd respondent registered his name with Employment Exchange on 30.03.2005, but petitioner had registered her name with the Employment Exchange on 04.08.2008. The maximum age for SC/ST candidates was 35 years. However, they are entitled for age relaxation of 3 years. For every three years from the date of registration with employment exchange, one year age relaxation will be given. Even with the age relaxation, petitioner had crossed the requisite age. Therefore, petitioner's candidature was not considered. It was found that, 3rd respondent has requisite age and educational qualification. He also residing within 1km from the place of posting and that was the reason why he was preferred ahead of the petitioner. When petitioner had no requisite qualification, her candidature was rightly rejected. Therefore, she cannot challenge the appointment of the 3rd respondent, who had requisite qualification. Therefore, this Court finds no merits in this petition seeking quashment of Na.Ka.A1.2264/2010 dated 03.08.2011.



W.P.No.27417 of 2011

WEB COPY

5. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

29.02.2024

Index :Yes/No

Internet:Yes/No

Sma

To

1. The District Collector,
Vellore District.

2. The Tahsildar,
Ambur Taluk,
Vellore District.



WEB COPY



W.P.No.27417 of 2011

G.CHANDRASEKHARAN, J

Sma

W.P.No.27417 of 2011

29.02.2024