



W.P.No.28066 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HONOURABLE Mrs. JUSTICE R.KALAIMATHI

W.P.No.28066 of 2012

and M.P.Nos.1 and 2 of 2012

S.Kokilavani

...Petitioner

vs.

1. The District Collector,
Erode District.

2. The Tahsildar
Sathyamangalam Taluk,
Erode District.

3. The District Employment Officer,
District Employment Office,
Erode District.

4. S. Palanisamy.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his proceeding Na.Ka.5023/2010/A2 dated 25.05.2012 and quash the same and consequently direct the 1st to 3rd respondents to forthwith appoint the petitioner as Village Assistant in Chellappampalayam Village, Pu.Puliampatti Sub-Taluk, Erode District by giving priority on the basis that land was acquired and unmarried women or in the alternative direct the 3rd respondent to forthwith sponsor the



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petitioner's name for appointment to any post according to her qualification by giving priority on the basis that land was acquired and unmarried women.

For Petitioner : Mr.K.Raja

For Respondents : Mr.V.Veluchamy

Additional Government Pleader for R1 to R3

: No appearance for R4

ORDER

The proceedings Na.Ka.No.5032/2010/A2 dated 25.05.2012 issued by the 2nd respondent is under challenge.

2. The petitioner S. Kokilavani D/o Late Senathipathy Gounder of Varapalayam Village, Sathyamangalam Taluk, Erode District was aged 50 years at the relevant point of time. The petitioner submits that she is an unmarried woman, belonging to Most Backward Class and studied up to 6th standard. Her father is the absolute owner of the land in Survey No.90/3 & 4 to the extent of 0.47.0 Hectares. The Special Tahsildar (Adi-Dravidar Welfare), Sathyamangalam acquired the said land under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 by its award No.5/87 dated 14.12.1987. She further submits that the said land was the only source of income for their entire family. Her father died



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on 09.06.1997 and her father's land was acquired according to G.O.No.188 Personnel and Administrative Reforms Department dated 21.12.1976. She should have been given priority while making appointment in the government. She has enrolled her name in the employment exchange on 06.02.2002 and it has been renewed periodically and her Registration Number is W/198/02.

3. The petitioner further submits that till now her name has not been sponsored by the third respondent employment exchange by giving priority. In January 2011, one M.Nagammal name was sponsored by the 3rd respondent and she was given appointment as Village Assistant in Sathi Taluk. Despite her representation, her name was not sponsored. Hence this writ petition.

4. The 3rd respondent (D.E.O) in his counter has stated as follows:

"4. The Employment Registration particulars of the petitioner are as follows:

"1.Registration & Validity – ERD2002F00000198 valid upto October 2013.

2. Qualification & Seniority – Below VIII Std., SF 06.02.2002.

3. Community – MBC.

4. Date of Birth – 12.04.1962.



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5. Whether classified under priority – Yes. Family member of land Acquired by Government.

5. The Tahsildar, Sathy (2nd Respondent) has notified 15 vacancies of Village menials including 4 reserved for OC priority & 3 reserved for MBC Non Priority. Even though the petitioner has been classified under priority group (Family member of Land Acquired by Government) her name was not sponsored since she was overaged (Crossed 32 years as on 31.01.2012) and there is no upper age concession for this priority Group)".

5. Heard Mr.K.Raja, learned counsel appearing for the petitioner and Mr.V.Veluchamy, learned Government Advocate appearing for the respondent 1 to 3.

6. No doubt, the Government had acquired the land of the petitioner's father and she comes under the priority group. At the relevant point of time, Tahsildar (2nd respondent) has notified 15 vacancies of Village menials, of which, 4 reserved for OC priority and 3 reserved for MBC non priority.

7. As she was over aged on the relevant date, her name was not



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sponsored by District Employment Office. The date of birth of the petitioner is 12.04.1962. She has registered in the Employment Exchange on 06.02.2002. The age limit for MBC is 32 years and the petitioner comes under the MBC priority. At the relevant point of time, age of the petitioner was 49 years.

8. It appears that as per G.O.21, dated 02.02.2000, if a particular person has continuously renewed the registration details before the District Employment Office for every three years, one year relaxation will be given and maximum for 15 years, a person can get age relaxation of 5 years. As per the said Government Order, she gets age relaxation for three years, still as her age was 49 years at the relevant point of time, her name was not sponsored by the District Employment Office.

9. Now, the age of the petitioner is 62 years. However, the petitioner is given liberty to approach the 1st respondent for availing the benefits of pension, and the petitioner shall present an application to that effect before the 1st respondent within a period of four weeks from today and the 1st respondent shall consider her application in accordance with law and dispose of within a period of four weeks from the date of receipt of her application.



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10. With these observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

mac/ssn

To

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2. The Tahsildar
Sathyamangalam Taluk,
Erode District.
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