



W.P.No.8714 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.8714 of 2022

S.Dhanasekar

...Petitioner

-Vs-

1. The Government of TamilNadu,
Represented by Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai-600 009.

2. Additional Chief Secretary & Commissioner of
Revenue Administration,
Chepauk, Chennai-05.

3. The District Collector,
Tiruvallur District,
Tiruvallur-602 001.

4. The Sub-Collector,
Tiruvallur District,
Tiruvallur-602 001.



W.P.No.8714 of 2022

5. The Thasildar,
Uthukottai Taluk,
Uthukottai-626 026.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order in Letter No.37938/SER.8(1)/2020-5 dated 10.01.2022 of the respondent to quash the same and to issue consequential directions to the respondent to pass appropriate orders granting relaxation of the Rule relating to upper age limit for appointment as Village Assistant, in the light of Sec.58 of the Tamil Nadu Government Servants (conditions of service) Act 2016 r/w.G.O.Ms.No.21 Labour and Employment (N2) Department, dated 02.02.2000 so as to enable the petitioner to get appointment as Village Assistant in Uthukottai Taluk, Tiruvallur District based on his performance in the interview on 19.01.2012.

For petitioner : Mr.M.Ravi

For respondents : Mr.K.H.Ravikumar,
Government Advocate



WEB COPY



W.P.No.8714 of 2022

ORDER

This writ petition has been filed for challenging the order dated 10.01.2022 passed by the 1st respondent thereby rejected the request made by the petitioner.

2. The petitioner is a permanent resident of Nelvoy Village, Uthukottai Taluk, Tiruvallur District. He belongs to Most Backward Class Category. He has passed 5th standard and registered his name in the District Employment Office in the year 1987. In response to the notification issued by the 5th respondent, he submitted his application for appointment to the post of Village Assistant in Uthukottai Taluk. Accordingly, his name was sponsored by the District Employment Officer, Tiruvallur District. He received call letter to appear for interview and also subjected to written test and Cycle Riding Test. In the selection proceedings, the 5th respondent recorded his reading capacity as 'Satisfactory', Writing Capacity as 'Good' and Cycle Riding Capacity as 'Good'. However, he was not appointed and his juniors who were registered with the employment exchange were appointed to the post of Village Assistant in the MBC category on



W.P.No.8714 of 2022

03.02.2012. During enquiry, he was informed that due to his age, he was not selected since he crossed upper age limit. As per G.O.Ms.No.21, Labour and Employment (N2) Department, dated 02.02.2000 granted age relaxation those who possessed educational qualification below S.S.L.C and who have registered their names in the employment exchange and waiting for employment, by one year for every three years of registration, subject to a maximum of five years. Even, candidature of the petitioner was not considered as crossed upper age limit of 32 years. Therefore, the petitioner made representation and approached this Court in W.P.No.18267 of 2020. This Court by its order dated 28.04.2021 directed to consider his representation on merits in accordance with law, in the light of the G.O.Ms.No.21, Labour and Employment Department dated 02.02.2000. However, by an order dated 10.01.2022, it was rejected for the reason that the petitioner did not succeed in the interview conducted on 19.01.2012 by Tahsildar, Uthukottai Taluk for the post of Village Assistant. Hence, granting of relaxation of Rule of upper age limit in favour of the petitioner for the appointment as Village Assistant in Uthukottai Taluk, Tiruvallur District does not arise.



W.P.No.8714 of 2022

WEB COPY

3. The learned counsel for the petitioner vehemently contended that during interview, the performance of the petitioner was fully satisfactory in nature. He was not considered only due to crossing of upper age limit. As per the G.O.Ms.No.21, Labour and Employment Department dated 02.02.2000, five years of age relaxation has to be taken into account and as such, the petitioner is eligible to be appointed to the post of Village Assistant. The persons who were identified for interview and appointed to the post of Village Assistant are juniors to the petitioner. In fact, performance wise, the petitioner was placed in Serial No.1 under the MBC category list for the post of Village Assistant. Now, as per the impugned order, the petitioner did not succeed in the interview conducted on 19.01.2012.

4. On perusal of the counter affidavit and submission made by the respondents revealed that the petitioner had attended the interview on 19.01.2012. Thereafter, the selection list was published in the year 2012 itself. Though, it was subsequently cancelled due to irregularities, the



W.P.No.8714 of 2022

petitioner approach this court only in the year 2020 in order to create cause of action by submitting representation and filed writ petition. This court directed to consider the representation on merits in accordance with law. The petitioner did not succeed in the interview conducted on 19.01.2012. The petitioner is the senior most person and as such he was placed in the first place. It does not mean that he performed well in interview and his name was placed in the first place. That apart, on perusal of the rule 7(c) of TamilNadu Village Assistant Service Rules, 1995, the person appointed as Village Assistant should be native of that Village. Whereas, the petitioner belonged to Nelvoy Village, Uthukottai Taluk. There was neither vacant nor notified for the post of Village Assistant. Therefore, granting relaxation of rule of upper age limit of the petitioner does not arise. Even assuming that the petitioner succeeded in the interview, after granting age relaxation, the petitioner crossed upper age limit. Therefore, the petitioner cannot be appointed as Village Assistant in any manner. Hence, the first respondent rightly rejected the request made by the petitioner.



W.P.No.8714 of 2022

WEB COPY

5. Therefore, this court cannot find any infirmity or illegality in the order in Letter No.37938/SER.8(1)/2020-5 dated 10.01.2022 passed by the 1st respondent. Therefore, this writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs.

22.01.2024

Index : Yes/No
Internet: Yes/No
gvn

To

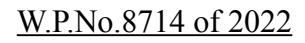
1. The Government of TamilNadu,
Represented by Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai-600 009.

2. Additional Chief Secretary & Commissioner of
Revenue Administration,
Chepauk, Chennai-05.

3. The District Collector,
Tiruvallur District,
Tiruvallur-602 001.

4. The Sub-Collector,
Tiruvallur District,
Tiruvallur-602 001.

7/8



G.K.ILANTHIRAIYAN,J.
gvn

W.P.No.8714 of 2022

22.01.2024