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W.P.No.1475 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM :
THE HONOURABLE MR.JUSTICE BATTU DEVANAND

Writ Petition No.1475 of 2018

M.Muruganantham

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Revenue Department,
Fort St.George,
Chennai – 600 009.
- 2.The District Collector,
Ariyalur District,
Ariyalur.
- 3.The Tahsildhar,
Jayamkondam Taluk,
Jayamkondam Post,
Ariyalur District.
- 4.The Tahsildhar,
Udayarpalayam Taluk,
at Jayamkondam,
Jayamkondam Post,
Ariyalur District.
- 5.P.Soorya
- 6.Vijayalakshmi

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7.K.Seetharaman

8.R.Rajeswari

9.N.Gopi

10.A.Anbumani

11.K.Deepika

12.C.Selvapathy

13.R.Ganesan

14.R.Kumaran

15.Vasantha Soorya

16.M.Illayaraja

17.K.Mathiyadasan

18.Thaineesmary

19.K.Manikandan

20.K.Amarnath

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Declaration declaring that the selection process of Village Assistant in Udayarpalayam Taluk and its consequential appointment of Respondents 5 to 20 done by the 3rd and 4th respondent are illegal, unconstitutional and against the Recruitment Rules, consequently direct the Respondents 2 to 4 to appoint the petitioner as Village Assistant in Udayarpalayam Taluk, Ariyalur District.

For Petitioner : M/s.Chenthoori Pugazhendhi
for Mr.K.Balu



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For Respondents 1 to 4 : Mr.P.Anandakumar,
Government Advocate

For Respondent 16 : Mr.A.Murugan

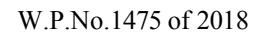
For Respondents 5 to 15,
17 – 20 : No Appearance

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for respondents 1 to 4 and Mr.A.Murugan, learned counsel appearing for 16th respondent and perused the materials available on record. There is no representation for the remaining respondents.

2. This writ petition has been filed seeking to declare that the selection process of Village Assistant in Udayarpalayam Taluk and its consequential appointments of respondents 5 to 20 done by the Respondents 3 & 4 as illegal, unconstitutional and against the recruitment rules, consequently direct the Respondents 2 to 4 to appoint the petitioner as Village Assistant in Udayarpalayam Taluk, Ariyalur District.

3. Learned counsel for the petitioner submits that the petitioner



4. Learned counsel for the petitioner submits that during the pendency of selection process, the Udayarpalayam Taluk was bifurcated into two Taluks i.e., Udayarpalayam Taluk and Andimadam Taluk. It is the specific submission of the learned counsel for the petitioner that when Udayarpalayam Taluk was bifurcated into two Taluks after issuing notification dated 15.03.2017 and during the pendency of selection process, the respondents failed to have issued notification afresh, fixing the reservation and rosters in accordance with the relevant rules and regulations. But the respondents continued with the selection process, basing on the notification dated 15.03.2017, without notifying the vacancies after bifurcation of the Taluk into two Taluks, which is illegal and against to law and sought to set aside the selection process by allowing the writ petition.



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5. On behalf of the official respondents, a counter affidavit has been filed. Basing on the averments made in the said counter affidavit, learned Government Advocate appearing for official respondents would submit that the petitioner submitted an application for the Village Assistant Post in Parukkal West Village, which was notified for general priority category. For the said post, 15 applications were received and all the candidates were interviewed including the petitioner. Out of 15 candidates, only one candidate was having suitable qualification and produced proper certificates.

6. Learned Government Advocate further contends that since the petitioner is above 35 years, he is barred by age limit criteria and that he failed to fulfill the basic qualification, his candidature is not considered for appointment of Post of Village Assistant and sought to dismiss this writ petition.

7. As per the G.O.Ms.No.521, Revenue Department (Service 3) dated 17.06.1998, the maximum age limit is fixed at 35 years for BC, MBC, SC and ST candidates and 30 years for general category candidates. Though, the vacancy for which the petitioner made application falls under general priority



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category, as the petitioner belongs to ST category, he can make application if the age is not more than 35 years.

8. In the present case, admittedly, the petitioner crossed the maximum age limit of 35 years as on the date of the notification dated 23.05.2017. Under the circumstances, the petitioner is not eligible to make application itself for the said post. As such considering his case for appointment does not arise. Being ineligible candidate, he is not entitled to challenge the entire selection process undertaken, pursuant to the notification dated 23.05.2017.

9. For the aforesaid reasons, this writ petition fails and accordingly, dismissed. No costs.

30.09.2024

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No



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BATTU DEVANAND,J.

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