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W.P.No.22043 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.22043 of 2024

S.Sivanantham

.. Petitioner

Vs.

1.The District Collector,
District Collectorate Office,
Tiruvarur District – 610 004.

2.The Tahsildar,
Mannargudi Taluk,
Tiruvarur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents to consider petitioner representation dated 15.09.2023 and pass suitable orders.

For petitioner : Mr.S.Mayilnathan

For Respondents : Mr.P.Anandhakumar
Government Advocate

ORDER

This writ petition has been filed for the issue of Writ of Mandamus directing the respondents to consider the representation made by the



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petitioner on 15.09.2023 and to appoint the petitioner as the Village Assistant in 53.Nemeli Village, Mannargudi Taluk, Thiruvarur District.

2.The case of the petitioner is that his father R.Sathasivam was an ex-serviceman and he died on 14.03.2019. The petitioner had also registered with the District Employment Office. The 2nd respondent published an advertisement on 09.10.2022 calling for application for filling up the post of Village Assistants. There were totally 19 posts identified as vacant and one such village where it was vacant was 53.Nemeli Village. The petitioner submitted his application under the ex-serviceman quota.

3.It is stated that the application submitted by the petitioner was entertained along with all the documents and the hall ticket was also issued to the petitioner and based on the same, the petitioner undertook the written examination on 04.12.2022. The petitioner was also called for an interview on 07.01.2023 by the 2nd respondent. The petitioner attended the interview and was expecting for his appointment. The grievance of the petitioner is that no appointment order was forthcoming and out of the 19 posts, only 16 were filled up and the post of Village Assistant in so far as



53. Nemili Village is concerned, was not filled up. The petitioner also made representations in this regard for appointing him in the vacant post. Since, the same did not evoke any response, the present writ petition was filed before this Court seeking for appropriate directions.

4. The 2nd respondent has filed counter affidavit. The 2nd respondent has taken a stand that in so far as ex-servicemen are concerned, they come under the non priority category and they are considered to be under the Most Backward Class (MBC) and De Notified Community (DNC). Totally 1120 applications were received online and 66 applications were received from the District Employment exchange. Totally 1186 applications were scrutinized. After conducting the written examination and also the personal interview by the selection committee, 16 persons were selected for appointment as Village Assistant according to their merit and ability and appointment orders were issued by the 2nd respondent through proceedings dated 22.01.2023.

5. It is further stated in the counter affidavit that there were no suitable applicants under the reservation category of (i) General Turn (Ex-serviceman) (ii) Backward (M) DWP and (iii) MBC (Ex serviceman).



All these three posts were not filled up. Since the petitioner applied for the appointment in the reserved category in the ex-serviceman quota, the petitioner ought not to have crossed 34 years as on the cut off date on 01.10.2022. However, the age of the petitioner as on the cut off date on 01.10.2022 was 35 years. Therefore, the Assistant Director, Ex-serviceman Welfare did not sponsor the name of the petitioner under the quota. In view of the same, the 2nd respondent has taken a stand in the counter that the petitioner will not be eligible for appointment and accordingly, the 2nd respondent has sought for the dismissal of the writ petition.

6.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

7.There is no dispute with regard to the fact that the petitioner had applied for appointment as Village Assistant for 53.Nemili Village, Mannargudi Taluk, Tiruvarur District. He had applied under the reserved vacancy for ex-serviceman welfare. His name has not been sponsored by the Assistant Director of ex-serviceman, since, the petitioner as on 01.10.2022 had completed 35 years as against the maximum age limit of



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34 years in respect of Most Backward Classes as per the notification.

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8.In view of the above, the very claim made by the petitioner for appointment as Village Assistant in 53.Nemili Village, Mannargudi Taluk, Tiruvarur District, is unsustainable, since the petitioner has not satisfied the minimum requirement in the notification with respect to his age. The petitioner had completed 35 years as on the cut off date on 01.10.2022.

9.In the light of the above, the relief sought for by the petitioner cannot be granted by this Court.

10.In the result, this writ petition stands dismissed. No costs.

16.08.2024

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

To

1.The District Collector,
District Collectorate Office,



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Tiruvarur District – 610 004.

2.The Tahsildar,
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N.ANAND VENKATESH, J.

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