



W.P.(MD)No.869 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2024

CORAM:

THE HON'BLE MR JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.869 of 2024

and WMP(MD).No.883 of 2024

R.Sathiya

.... Petitioner

Vs.

1.The District Collector
Sivagangai District

2.The Revenue Divisional Officer
Sivagangai
Sivagangai District

3.The Tahsildar
Ilayangudi
Sivagangai District

4.S.Saranya
D/o.Samayathurai
Village Assistant
Ilayangudi
Sivagangai District 630 709

.....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Declaration to declare the Provisional Selection List issued by the Respondent No.3 vide Na.Ka.A7/4136/2022 dated 10.01.2023 insofar as selecting the 4th respondent for the post of Village Assistant at Thiruvallur



W.P.(MD)No.869 of 2024

Village, Ilayankudi Taluk, Sivagangai District as illegal and consequently for a direction, directing the respondent No.3 to appoint the petitioner as Village Assistant at Thiruvallur Village, Ilayankudi Taluk, Sivagangai District within the time period stipulated by this Court.

For Petitioner : M/s.Lajapathi Roy and Associates
For Mr.M.Mahaboob Fazil

For Respondents : Mr.D.Sasikumar
Additional Government Pleader for R1 to R3
:Mr.D.Shanmugaraja Sethupathy for R4

ORDER

The instant writ petition has been filed by an aspirant to the post of Village Assistant seeking a declaration to declare the provisional selection list issued by the third respondent on 10.01.2023 insofar as selection of the fourth respondent is concerned and for a consequential direction to appoint the petitioner as Village Assistant at Thiruvallur Village, Ilayankudi Taluk, Sivagangai District.

2.A perusal of the affidavit reveals that the notification was issued calling for application for the post of Village Assistant to Thiruvallur Village and for other villages in Sivagangai District on 10.10.2022. The post of Village Assistant to Thiruvallur Village was allotted to Most Backward Class and Denotified Community-Woman. It is not in dispute that the petitioner as well as the fourth



W.P.(MD)No.869 of 2024

WEB COPY

respondent belong to the said Community. The petitioner and the fourth respondent have applied to the said post and they were called for an interview on 05.01.2023.

3.A provisional selection list was forwarded by the third respondent to the first respondent on 10.01.2023 wherein it is mentioned that the petitioner has secured 89 marks while the fourth respondent had secured 91 marks. This communication is under challenge in the present writ petition.

4. As per G.O.Ms.No.574, Revenue & Disaster Management dated 14.06.2019 for holding two-wheeler license, a candidate would be eligible for 7 marks. If they were able to ride only bicycle, they will be awarded 5 marks. The petitioner herein had applied under Right to Information Act and obtained the break up details of the marks allotted to the petitioner as well as the fourth respondent herein. The petitioner has been awarded 5 marks on the ground that she is not holding a two-wheeler license, but she is only able to ride a bicycle. However, the fourth respondent has been allotted 7 marks on the ground that she is holding two-wheeler license. It is the contention of the writ petitioner that both the petitioner as well the fourth respondent were not holding driving license on the last date of submission of application. Both of them have obtained two



W.P.(MD)No.869 of 2024

WEB COPY

wheeler driving license only in December 2022.

5. The learned counsel for the petitioner had contended that at the time of interview though the petitioner had submitted a two-wheeler license before the authorities, they have ignored the same and proceeded to award just 5 marks instead of 7 marks. However, 7 marks have been awarded to the fourth respondent herein. In view of additional 2 marks, the fourth respondent has secured 91 marks and the petitioner had secured only 89 marks.

6.Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 3 herein had relied upon the counter, especially Paragraph No.6 and contended that the petitioner has not submitted or produced the two-wheeler driving license at the time of interview and therefore, only 5 marks was allotted to her on the ground that she is able to ride a bicycle. This counter affidavit was served upon the writ petitioner on 13.02.2024 and filed before this Court on 14.02.2024. However, so far no reply affidavit has been filed on the side of the petitioner controverting the fact that driving license was produced, but it was ignored.

7.Since it is the specific contention of the official respondents that two-wheeler license was not produced by the writ petitioner at the time of



W.P.(MD)No.869 of 2024

WEB COPY

interview and it remains un-controverted, this Court is of the considered opinion that 5 marks awarded to the writ petitioner is correct and there is no scope for any interference.

8.The residual argument of the writ petitioner is that since the fourth respondent had also got a driving license after the last date of application, she ought to have been disqualified or driving license ought not to have been taken into consideration. A perusal of the prayer in the writ affidavit reveals that the appointment of the writ petitioner has not been put to challenge. In such circumstances, it may not be correct on the part of the Court to consider the alleged disqualification of the writ petitioner.

9.In view of the above said facts, there are no merits in the writ petition and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.11.2024

Index : Yes/No
Internet : Yes/No
NCC: : Yes/No
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W.P.(MD)No.869 of 2024

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W.P.(MD)No.869 of 2024

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