



W.P(MD) No.10576 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.10576 of 2023
and
W.M.P(MD)No.25824 of 2024

S.Gopi

... Petitioner

Vs.

1.The Secretary to Government
Revenue Department,
Secretariat,
Chennai.

2.The District Collector
Madurai District,
Madurai.



W.P(MD) No.10576 of 2023

3.The Revenue Divisional Officer,
(Sub Collector),
Melur Taluk,
Madurai District.

4.The Tahsildar
Melur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 4th respondent to consider the petitioner for appointment to the post of Village Assistant at any of the village, Melur Taluk, Madurai District.

For Petitioner : Mr.M.Sureshkumar

For Respondents : Mr.T.Amjad Khan,

Government Advocate



WEB COPY



W.P(MD) No.10576 of 2023

ORDER

The petitioner has filed this Writ Petition seeking a Writ of Mandamus to direct the fourth respondent to consider him to the post of Village Assistant.

2. Heard Mr.M.Sureshkumar, learned counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents.

3. As per the submission of the learned counsel for the petitioner, the third respondent has sponsored the petitioner's name to the fourth respondent as a candidate for the post of Village Assistant for which a communication was sent to him on 16.11.2022. Subsequently, the petitioner had participated in the selection process and appeared for written examination and interview. However, 39 candidates in the published selection list have been appointed to the post of Village Assistant and the



W.P(MD) No.10576 of 2023

petitioner's name is not found place in the selection list.

4. The grievance of the petitioner is that even without releasing the result of the interview, the list of selected candidates has been released. The very release of selected list of candidate is nothing but releasing the result of selection process. As per the communication, dated 16.11.2022, the third respondent has sent a communication to the petitioner stating that his name has been recommended from the Employment Exchange and hence, the petitioner has to submit his application with requisite documents listed in the said memo. So just because the petitioner was called upon to submit his application, pursuant to his name sponsored through Employment Exchange, the petitioner cannot claim that his name was sponsored by the third respondent himself. The communication dated 16.11.2022 is consequent to the sponsorship made by the Employment Exchange and only thereafter, the petitioner has submitted his application. The selection process



W.P(MD) No.10576 of 2023

WEB COPY

involves written examination and interview. The petitioner had participated in the same. It is not the claim of the petitioner that the selection process has not been done as per Rules and there was any violation. The limited prayer of this petitioner is that a direction should be given to appoint the petitioner, irrespective of the fact that the petitioner was selected to the said post or not. Such a direction cannot be claimed by the petitioner on the presumption that he is a better candidate than all other selected candidates who have been selected for the said post.

5. Mr.T.Amjad Khan, learned Government Advocate submitted that the petitioner has secured 70.33 out of 100 marks and the petitioner falls under BC(OBCM) category. However, the persons who have secured higher marks than that of the petitioner have been accommodated under BC(CM) category. The petitioner who had not acquired the cut off marks had lost the opportunity of being selected. The petitioner belongs to BC(OBCM) category. The



W.P(MD) No.10576 of 2023

petitioner's name is not found place in the selected list of candidates. The respondent cannot be directed to appoint the petitioner to the said post. In fact, the selection process has been over and the selection appears to have been made only on the basis of marks obtained by the petitioner in the selection process. The petitioner did not make out any case to claim that he is entitled for an order of appointment. Hence, there is no ground to entertain this Writ Petition.

6. Accordingly, this Writ Petition is **dismissed**. No costs. Consequently, connected Miscellaneous Petition is closed.

08.04.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



W.P(MD) No.10576 of 2023

WEB COPY

To

- 1.The Secretary to Government
Revenue Department,
Secretariat,
Chennai.
- 2.The District Collector
Madurai District,
Madurai.
- 3.The Revenue Divisional Officer,
(Sub Collector),
Melur Taluk,
Madurai District.
- 4.The Tahsildar
Melur Taluk,
Madurai District.



WEB COPY



W.P(MD) No.10576 of 2023

R.N.MANJULA, J.

RM

W.P.(MD)No.10576 of 2023

08.04.2024