

W.P.(MD) No.19820 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 21.07.2025

Pronounced On : 31.07.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.19820 of 2017

and

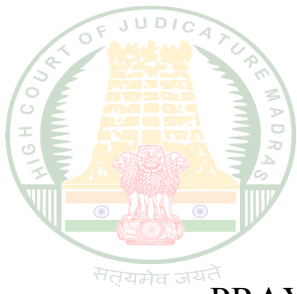
W.M.P.(MD)No.16090 of 2017

Revathy
W/o. Subramanian,
338 A, Pallathividuthi,
Alangudi Taluk,
Pudukkottai District- 622 301.
Vs.

... Petitioner

1. The District Collector,
Pudukkotai District.
2. The Revenue Divisional Officer
Pudukkotai.
3. The Tahsildar,
Alangudi Taluk,
Pudukkotai District.
4. Vinodh,
S/o Raveendran,
No.29, Keelakarumbirankottai,
Alangudi Taluk,
Pudukkottai District.

... Respondents



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PRAYER in W.P.:

To issue a writ or order or direction or any other writ in the nature of Writ of Certiorarified Mandamus, calling for the records relating to the appointment order passed by the 3rd respondent in favour of the 4th respondent in his Na.Ka.A4/6901/2017 dated 22.09.2017 and quash the same as Arbitrary, illegal and consequently directing the 3rd respondent to appoint the petitioner as Village Assistant in Pallathividuthi Village, Alangudi Taluk, Pudukkottai District, under the quota of destitute widow as per G.O.Ms.No. 177, Personnel & Administrative Reforms(s) Department dated 11.09.2000 by considering the petitioner's representation dated 28.09.2017 and pass such further or other orders as this Court may deem fit and thus render justice.

PRAYER in W.M.P.:

To stay all the further proceedings of the order passed by the 3rd respondent in his Na.Ka.A4/6901/2017 dated 22.09.2017 pending disposal of the writ petition and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Ms.R.Jegatheeswari
for Mr.K.Ilaiyaraja

For Respondents : Mr.V.Om Prakash
Government Advocate for R1 to R3

: Mr.D.Ramesh Kumar for R4



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JUDGMENT

Heard.

2. This Writ Petition has been filed challenging the appointment order passed by the 3rd respondent in favour of the 4th respondent in Na.Ka.A4/6901/2017 dated 22.09.2017 and consequently directing the 3rd respondent to appoint the petitioner as Village Assistant in Pallathividuthi Village, Alangudi Taluk, Pudukkottai District, under the quota of destitute widow as per G.O.Ms.No.177, Personnel and Administrative Reforms (S) Department dated 11.09.2000 by considering petitioner's representation dated 28.09.2017.

3. The petitioner is a destitute widow, belonging to the Backward Class community, and registered with the Employment Exchange at Pudukkottai. She applied for the post of Village Assistant in Pallathividuthi Village pursuant to a public notification dated 01.09.2017 issued by the third respondent. The interview, originally scheduled for 12.09.2017, was rescheduled to 21.09.2017 due to an government employee strike. The petitioner attended the interview, submitted all



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requisite documents including her destitute widow certificate, and claims to have cleared the requisite assessment.

4. Her grievance is that despite being fully qualified and falling within the reserved category of destitute widow, she was not selected. Instead, the fourth respondent was appointed through proceedings dated 22.09.2017. She contends that the fourth respondent is not a resident of Pallathividuthi Village, had furnished an incorrect address, and that the third respondent failed to apply the horizontal reservation available to destitute widows under G.O.Ms.No.177 dated 11.09.2000. She further relies on G.O.Ms.No.188 dated 28.12.1976, which grants employment priority to destitute widows.

5. The respondents have filed a detailed counter affidavit. It is stated that the impugned appointment was made strictly in accordance with the 200-point communal roster. The relevant roster point under which the vacancy in question was filled was Roster Point No. 34, which is earmarked for Backward Class (General) (non priority and non backward muslim). The fourth respondent, also a Backward Class candidate, was sponsored through the Employment Exchange and applied directly. Out of



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48 candidates who attended the interview, he was selected on merit under the designated roster point.

6. The respondents submit that the destitute widow quota falls within the horizontal reservation category and is applicable only when the vacancy itself is notified under a priority roster point. Since the present vacancy was under Roster Point No. 34 - a general BC point - no horizontal reservation was available or applicable for destitute widows. The petitioner, though considered, was not selected. Her non-selection does not amount to violation of any rule or executive instruction.

7. At the heart of this case lies the interpretation and application of G.O.Ms.No.188 Personnel and Administrative Reforms (Personnel-S) Department dated 28.12.1976 and G.O.Ms.No.177 dated 11.09.2000. These Government Orders provide that certain categories of candidates, including destitute widows, are entitled to priority in employment, and earmark 10% of the 30% horizontal priority quota for destitute widows.

8. However, these Government Orders do not operate in a vacuum. Their application is subject to the structure of the 200-point communal



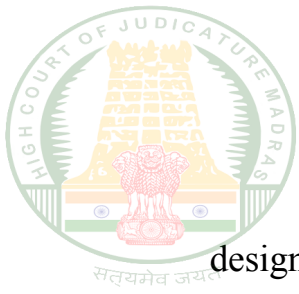
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roster, which governs all appointments to basic service posts like Village Assistant. The horizontal reservation for destitute widows is applied only at designated priority points within that roster. In other words, unless the vacancy in question falls on a priority point, the destitute widow quota is not attracted.

9. The post of Village Assistant in Pallathividuthi Village was explicitly notified as falling under Rotation No. 1 roster points 31 to 34, with Roster Point 34 being the relevant slot, earmarked for Backward Class (General) without horizontal reservation. Thus, the petitioner's claim that the post should have been filled under the destitute widow quota is legally untenable. In fact, under Rotation No.1 Turn I.D. Points 8 and 134 are specifically earmarked for destitute widows.

10. The petitioner's further reliance on G.O.Ms.No.188 is also misplaced. That Government Order mandates that priority candidates like destitute widows be considered where priority vacancies arise or when selections are made through Employment Exchange under notified priority categories. Here, there is no evidence that the vacancy was notified or sponsored under the priority category, or that Roster Point No. 34 was a



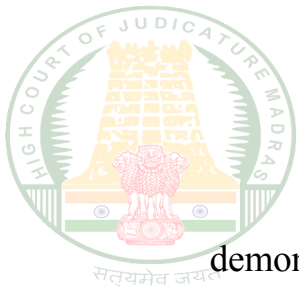
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designated priority point. Thus, G.O.Ms.No.188 cannot override the 200-point roster.

11. It is a settled principle that horizontal reservation categories like destitute widow, women, or persons with disabilities are superimposed upon vertical categories, and do not operate independently. Unless the horizontal reservation is triggered by a corresponding priority roster entry, no separate right of appointment accrues.

12. As regards the allegation that the fourth respondent was not a resident of Pallathividuthi, the materials on record do not conclusively establish this. The official records show that the fourth respondent applied in time, attended the interview, and was selected through a combined process of direct application and Employment Exchange sponsorship. In the absence of substantive evidence proving misrepresentation or ineligibility, the petitioner's claim on this ground must fail.

13. The right to be considered for appointment is not the same as a right to be appointed. When recruitment is undertaken through a rostered, notified, and competitive process, and where the petitioner has not



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demonstrated any violation of the applicable rules or quota norms, this Court is not inclined to interfere.

14. For the foregoing reasons, the Writ Petition is dismissed.

No costs. Consequently connected Miscellaneous Petition is closed.

31.07.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
LS

To

1. The District Collector,
Pudukkottai District.
2. The Revenue Divisional Officer
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LS

Pre-delivery Judgment made in
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