



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.04.2017

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CORAM :
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.17852 of 2014
and W.M.P.(MD).Nos.1, 2 and 3 of 2014

V.Paulin Ramesh ... Petitioner
Vs.

1.The Tahsildhar, Tenkasi Taluk,
Taluk Office, Railway Feeder Road,
Tenkasi - 627 811, Tirunelveli District.

2.A.Sivakumar ... Respondents
(R2 impleaded as per the order of this
Court dated 20.04.2017)

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relation to the second selection to the post of Village Assistant, Kambaneri Pudukudi Part-II Village, Tenkasi Taluk, pursuant to the call letter dated 25.10.2014 made in A3/8840/2014 issued by the Tahsildhar, Tenkasi Taluk, the respondent herein quash the same and announce the result of the first selection for the said post made pursuant to call letter dated 05.09.2013 made in A3/8840/2013 by the respondent and appoint the petitioner herein as Talayari.

For Petitioner : Mr.K.Rajkumar

For R1 : Mr.N.S.Karthikeyan,
Additional Government Pleader.

For R2 : Mr.H.Arumugam

O R D E R

This Writ Petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, calling for the records relation to the second selection to the post of Village Assistant, Kambaneri Pudukudi Part-II Village, Tenkasi Taluk, pursuant to the call letter dated 25.10.2014, issued by the Tahsildhar, Tenkasi Taluk, the respondent herein, quash the same and announce the result of the first selection for the said post made pursuant to call letter dated 05.09.2013 made in A3/8840/2013 by the respondent and appoint the petitioner herein as Talayari.



2. Heard Mr.K.Rajkumar, learned Counsel appearing for the petitioner, Mr.N.S.Karthikeyan, learned Additional Government Pleader, appearing for the first respondent and Mr.H.Arumugam, learned counsel appearing for the second respondent.

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3. The brief facts that are necessary for the disposal of the Writ Petition are as follows:

3.1. The petitioner is the aspirant for the post of Village Assistant (Talayari) and he has come forward with the present Writ Petition, challenging the call letter that was issued. Even in the copy produced by the petitioner before this Court as the impugned communication, the person to whom the same was addressed is not there. From perusal of records, it is evident that the petitioner cannot maintain a Writ Petition, challenging the call letter. The facts in this Writ Petition would disclose that the petitioner has earlier participated in the selection process. However no one was appointed earlier. It is alleged that, fresh proceedings have been initiated to fill up the post by calling names from the Employment Exchange. It is admitted by the petitioner himself that the date of interview was fixed on 07.11.2014.

3.2. The grievance of the petitioner is that his name was sponsored by the Employment Exchange, earlier and he found qualified but the process of selection was abandoned. The learned counsel for the petitioner states that the petitioner is also entitled to be considered. It is not in dispute that this Court has passed earlier an interim order, dated 06.11.2014, which reads as follows:

"Be that as it may, on earlier occasion, the petitioner was called for interview and the same has been cancelled on 16.09.2013. As per the Interview Card, the petitioner shall be permitted to take part in the interview scheduled to be held on 07.11.2014. The respondent should permit the petitioner to take part in the interview scheduled to be held on 07.11.2014 and the results shall be published subject to the orders to be passed in the main petition. As the interview scheduled to be held on 07.11.2014, Mr.S.Satheeshkumar, learned Additional Government Pleader appearing for the respondent is directed to communicate this order forthwith so as to enable the petitioner to attend the interview."

3.3. Pursuant to the interim direction that was given by this Court earlier, the petitioner was also permitted to take part in the interview. However the result of selection process was not published due to the pendency of the Writ Petition. Though there is no specific stay granted by this Court, by virtue of earlier order, the result could have been published subject to the orders to be



passed in the Writ Petition.

4. It is contended by the learned Additional Government Pleader appearing for the first respondent that the result has not been published, since the petitioner was also permitted to participate in the interview and the respondents have not disputed the petitioner's right to be considered for the selection to the post of Village Assistant. Therefore, this Writ Petition need not be kept pending.

5. Recording the fact that the Writ Petitioner as well as the second respondent has been permitted to participate in the interview and that the second respondent, another contestant, who got himself impleaded in the present Writ Petition has represented that the selection is delayed only because of the pendency of this Writ Petition, this Court is of the view that no further order is required in this Writ Petition regarding merits.

6. Having regard to the factual circumstances of this case, this Court is inclined to dispose of this Writ Petition with the following direction:-

"The first respondent shall consider the candidature of the petitioner as well as the second respondent, for the post of Village Assistant (Talayari), Kambaneri Pudukudi Part-II Village, Tenkasi Taluk, on merits and in accordance with law, and the selection process shall be completed within a period of four weeks from the date of receipt of a copy of this order".

7. With the above direction, this Writ Petition is disposed of. No Costs. Consequently the connected W.M.P.(MD).Nos.1, 2 and 3 of 2014 are closed.

SD

ASST REGISTRAR (CO)

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cmr/gsp

SUB ASST REGISTRAR

To

The Tahsildhar, Tenkasi Taluk, Taluk Office,
Railway Feeder Road, Tenkasi - 627 811, Tirunelveli District.

1CC TO MR. H. ARUMUGAM, ADVOCATE SR: 53214

1CC TO MR. K. RAJKUMAR, ADVOCATE SR: 53019

AM SKN RSK SAR 2/26/04/2017

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<https://hcservices.ecourts.gov.in/hcservices/>

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