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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 22.12.2017

CORAM

THE HONOURABLE MRS.JUSTICE **V.BHAVANI SUBBAROYAN**

W.P.(MD) No.3412 of 2014

and

M.P.(MD) Nos.1 and 2 of 2014

Lakshmi

...Petitioner

Vs.

1. The District Collector,  
Sivagangai,  
Sivagangai District.
2. The Revenue Divisional Officer,  
Sivagangai,  
Sivagangai District.
3. The Thasildar,  
Illaiyankudi,  
Sivagangai District.
4. The District Employment Officer,  
Sivagangai,  
Sivagangai District.

...Respondents

**PRAYER:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to appoint the petitioner in the post of Village Assistant at Muliyaienthal Village, Illaiyankudi Taluk, Sivagangai District based on the interview and selection on 02.09.2011 consequent recommendation of the third respondent to the second respondent in his proceedings dated 06.09.2011.

For Petitioner

:Mr.B.Prahalad Ravi  
for Hallmark Associates

For Respondents

:Mr.S.Kumar  
Additional Government Pleader

### **O R D E R**

The writ petition has been filed by the petitioner to direct the respondents 1 to 3 to appoint the petitioner in the post of Village Assistant at Muliyaienthal Village, Illaiyankudi Taluk, Sivagangai District based on the interview and selection on 02.09.2011 and consequent recommendation of the third respondent to the second respondent in his proceedings dated 06.09.2011 and pass further orders.



2. The case of the writ petitioner is that she belongs to scheduled caste community. The 4<sup>th</sup> respondent herein has recommended her name to the third respondent based on the seniority to fill up the post of Village Assistant, Illayankudi Taluk along with other persons. The third respondent had sent interview notice to the petitioner for attending interview on 02.09.2011 and on that day, she had attended the interview along with other persons and also the third respondent has recommended her name to the second respondent in proceedings No.  $\text{ந.க.அ}7/1016/2011$  dated 06.09.2011, but till the time of filing this writ petition, there was no action taken by the respondents 1 to 3 and no communication was received from them and hence, she made several representations to the first respondent including the written representation dated 30.04.2013 seeking to take necessary steps and also for issuing suitable direction for appointing her in the post of Village Assistant of Muliyaienthal Village, Illaiyankudi Taluk, Sivagangai District. But no action was taken and suddenly the third respondent called for interview on 24.02.2014 to fill up the post of Village Assistant in the said area and deprived her legitimate right of appointment of Village Assistant without giving any opportunity to her to know what has happened to the above said interview.

3. In the earlier selection dated 02.09.2011, she was selected, but she was not informed whether it was cancelled or proceeded. For the same post, the third respondent, again conducted interview on 24.02.2014. The respondents 1 to 3 have not proceeded with the selection process based on the seniority list and hence, she was not called for to attend the interview for the above said post and the interview was conducted to fill up 20 posts of Village Assistant. Therefore, the petitioner sought for reserving one post of Village Assistant in Illayankudi Taluk and for directing the respondents 1 to 3 not to fill up the post of Village Assistant laying vacant in Muliyaienthal Village, Illaiyankudi Taluk, Sivagangai District.

4. The learned Additional Government Pleader appearing for the respondents filed a counter affidavit stating that the petitioner's name was included and recommended for an interview for the post of Village Assistant in Muliyaienthal Village, Illayankudi Taluk, Sivagangai District and the interview was conducted on 02.09.2011. Based on her performance in the interview she was selected and similarly selected persons name list was sent to the second respondent for his ratification. But the second respondent in his memorandum Na.Ka.A1/4773/10 dated 09.07.2012 stating that the provisional name list sent for ratification was rejected in the light of G.O.No.18 Labour and Employment Department dated 25.02.2008, which stipulated the ratio to fill up the vacancies for various categories of posts. In connection with the above direction as stipulated in G.O.No.18



Labour and Employment Department dated 25.02.2008 the entire selection process were dropped and a fresh candidate name list 1:5 ratio is called from the 4<sup>th</sup> respondent vide Illayankudi Taluk Office letter in Na.Ka.No.A7/1010/2011 dated 29.07.2013 as per G.O.18, Labour and Employment Department dated 25.02.2008.

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5.The learned Additional Government Pleader further states that the roster for the post of Village Assistant of Muliyaienthal is allotted for Scheduled Caste Destitute Widow. In this connection the 4<sup>th</sup> respondent recommended one person namely, M.Saraswathi W/o. Late Raasu for the post of Village Assistant of Muliyaienthal and also sent a clarification that there is no restriction to appoint the Village Assistant post, if there is no adequate person available in the ratio of 1:5 in special category and general category also. Based on the clarification given by the fourth respondent, the third respondent / The Thasildhar, Illayankudi being the competent appointment authority has conducted interview for the five posts of Village Assistant on 24.02.2014, and the second respondent gave ratification on 26.02.2014 to her appointment in the Muliyaienthal Village as Assistant and she has already joined as Muliyaienthal Village Assistant on 28.02.2014 afternoon itself. Hence, they submitted that the selection process for the post of all Village Assistants was rightly conducted and hence, sought for dismissal of the writ petition.

6.It is seen that at the time of selection there was an interview conducted on 02.09.2011 by the official respondents, but the same was not ratified, since 1:5 ratio has not been followed. Hence, after clarification once again on 24.02.2014, interview was conducted for five posts of Village Assistant. As per roster, the post was allotted to Scheduled Caste Destitute Widow. Hence, this Court finds no merit in the arguments of the writ petitioner. As per the roster the selection of Aadi Thiravidar will be given preference. Hence, it is open to the petitioner to apply for the said post if there is any vacancies arise regarding the general women of Aadi Thiravidar reservation.

7.With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

<https://hcservice.siv.org.in/submit/cases/>  
The District Collector,  
Sivagangai,  
Sivagangai District.



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Sivagangai,  
Sivagangai District.

3. The Thasildar,  
Illaiyankudi,  
Sivagangai District.

4. The District Employment Officer,  
Sivagangai,  
Sivagangai District.

+1cc to Spl.Government Pleader Sr.No.94743

MM

VB/JC/SAR2/28/03/2018/4P/6C

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and  
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