



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2017

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHANW.P.(MD) No.23594 of 2016

C.Malaikannan

... Petitioner

-vs-

1. The State of Tamilnadu,
Rep. by the Secretary to Government,
Department of Land Revenue,
Secretariat, Fort St.George,
Chennai.
2. The Commissioner of Land Revenue,
Department Land Revenue,
Chepauk, Chennai.
3. The District Collector,
Pudukkottai District.
4. The Tahsildar,
Aranthangi Taluk,
Aranthangi,
Pudukkottai District.

5. S.Balaji.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Declaration, declaring that the appointment of the 5th respondent as Village Assistant at Idaiyar Village by the 4th respondent is illegal and contrary to Qualification No.7 as stated in the 4th respondents office Notifications Na.Ka.No.4952/2516/A2 dated 26.10.2016 and consequently direct the 4th respondent to appoint the petitioner in the said post pursuant to the above said notification.

For Petitioner : Mr.C.Dhanaseelan

For R1 to R4 : Mr.A.K.Baskara Pandian, Spl. Govt.
Pleader

For R5 : No Appearance

O R D E R

This writ petition has been filed, seeking to declare that the appointment of the 5th respondent as Village Assistant at Idaiyar Village by the 4th respondent is illegal and contrary to Qualification No.7 as stated in the 4th respondent's Office Notification in Na.Ka.No.4952/2516/A2 dated 26.10.2016 and consequently direct the 4th respondent to appoint the petitioner in



the said post pursuant to the above said notification.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4. Though notice has been served on the 5th respondent and his name has also been printed in the cause list, there is no representation for the 5th respondent.

3. According to the petitioner, though he has requisite qualification to be appointed to the post of Village Assistant, no appointment order has been issued to him, as the 5th respondent, who is related to the 4th respondent got selected and therefore, the petitioner seeks a declaration as stated supra.

4. Though the petitioner sought for a declaration, at the time of argument, he has restricted his relief to the extent of consideration of his representation / complaint dated 14.11.2016 by the concerned respondent.

5. Learned Special Government Pleader appearing for the respondents 1 to 4 would submit that the respondents are prepared to consider the representation of the petitioner and to pass suitable orders on the same.

6. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the third respondent to interfere into the issue in question on the basis of the representation dated 14.11.2016, submitted by the petitioner and after affording an opportunity of hearing to the petitioner and the fifth respondent, to pass appropriate orders thereon on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order, preferably on or before 31.05.2017, if there is no legal impediment to do so.

7. With the above direction, this Writ Petition is disposed of. No costs. M.P. is also closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary to Government,
State of Tamilnadu,
Department of Land Revenue,
Secretariat, Fort St.George,
Chennai.

2. The Commissioner of Land Revenue,
Department of Land Revenue,
Chepauk, Chennai.



3. The District Collector,
Pudukkottai District.

4. The Tahsildar,
Aranthangi Taluk,
Aranthangi,
Pudukkottai District.

+1cc to Mr.DHANASEELAN Advocate in SR. No.9492

+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.8646

AR/

JS/SV/MMS/3P-7C/07.03.2017

W.P.(MD) No.23594 of 2016

21.02.2017