

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.924 of 2017
and C.M.P.No.12868 of 2017

P.Ariharan Appellant
-vs-

1. The Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Villupuram District,
Villupuram District.
3. The Tahsildar,
Thirukovilur Taluk,
Villupuram District.
4. Nirmala
5. Bhuvana
6. Dhanasekaran
7. Prakash
8. Pushparaj Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P.No.14579 of 2017 dated 13.06.2017.

PRAYER IN WP.14579 OF 2017:

Writ Petition filed Under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned recruitment of Village Assistants made with reference to the notification dated 04.07.2016 issued in the form of news items in Dinakaran and Dinamalar Tamil daily News Papers without indicating communal reservation and gender reservation and to quash the same and consequently direct the 3rd respondent to conduct a fresh recruitment by issuing re-advertisement indicating communal rotation by applying rule of reservation and gender reservation

For Appellant : Mr.G.Rajesh

For Respondents: Mr.N.Manikandan,
Govt. Advocate - R1 to R3

J U D G M E N T

[Judgment of the Court was delivered by
K.K.SASIDHARAN,J.]

The Writ Petition filed by the appellant challenging the notification dated 04.07.2016 was dismissed by the learned single Judge primarily on the ground that it was only after taking part in the selection process such a Writ Petition was filed. The order is under challenge at the instance of the unsuccessful Writ Petitioner.

2. We have heard the learned counsel for the appellant. We have also heard the learned Government Advocate on behalf of respondent Nos.1 to 3.

3. The appellant submitted an application for appointment to the post of Village Assistant pursuant to the notification dated 04.07.2016. He took part in the selection process and thereafter filed a Writ Petition challenging the very same notification.

4. The learned single Judge dismissed the Writ Petition on the ground that it was only after taking part in the selection process which includes interview, the Writ Petition was filed by him.

5. The learned Government Advocate, on instruction, submitted that the Department is now following the communal reservation in the matter of appointment even to the post of Village Assistant. The said submission is recorded. There is no question of setting aside the notification dated 04.07.2016 at this point of time on account of the fact that there has been no challenge to the notification before submitting an application to the post in question.

6. We only direct the authorities concerned to indicate clearly the communal reservation while issuing notification for the appointment to the post of Village Assistant in future.

7. The intra Court appeal is disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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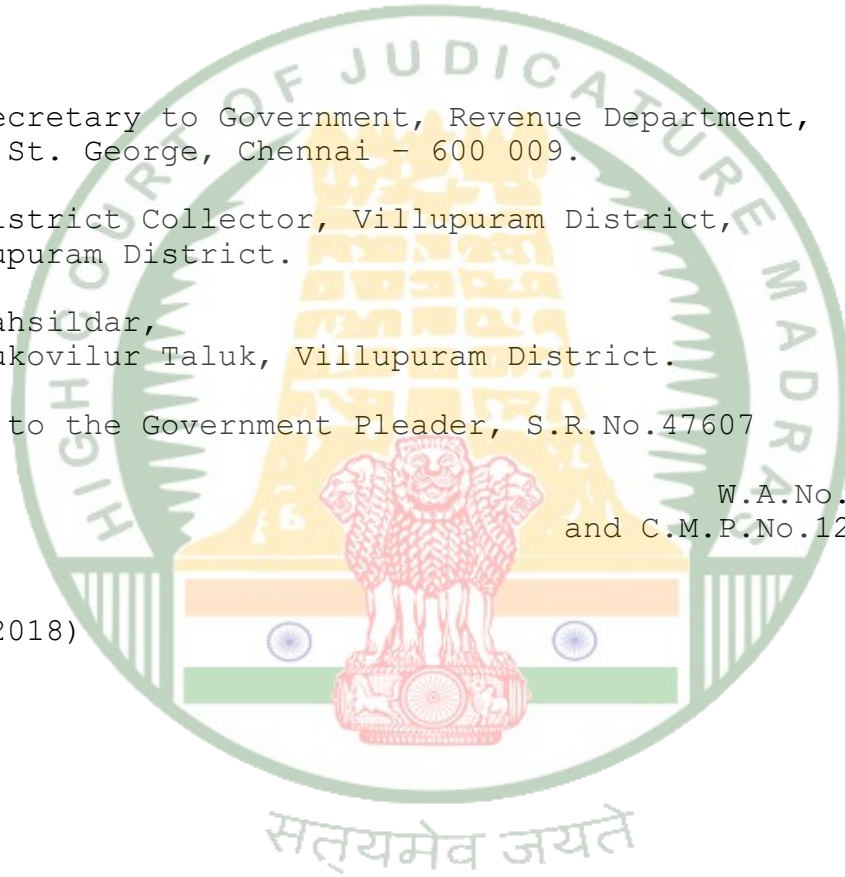
To

1. The Secretary to Government, Revenue Department,
Fort St. George, Chennai - 600 009.
2. The District Collector, Villupuram District,
Villupuram District.
3. The Tahsildar,
Thirukovilur Taluk, Villupuram District.

+1cc to the Government Pleader, S.R.No.47607

W.A.No.924 of 2017
and C.M.P.No.12868 of 2017

VBA (CO)
TR(30/07/2018)



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