

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 14.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.4352 of 2011

and

M.P. (MD) No.2 of 2011

WEB COPY

S.Selvi

... Petitioner

Vs

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.

3. The Thasildar,
Veerakeralampudur Taluk,
Tirunelveli District.

4. Aavudaithangam

... Respondents

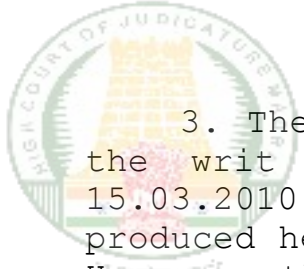
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order in Na.Ka./A3/12942/2006 dated 22.03.2010 on the file of the respondent No.3 and quash the same as illegal and consequently to direct the respondent No.3 to appoint the petitioner in the post of Village Assistant in Melamaruthappapuram Village.

For Petitioner	: Mr.T.Lajapathi Roy
For R1 to R3	: Mrs.VPM.Vaishnavi
	Government Advocate
For R4	: No appearance

ORDER

The order of appointing the fourth respondent as Village Assistant vide proceeding dated 22.03.2010 is under challenge in this writ petition.

2. The learned counsel for the writ petitioner states that the petitioner was born in Melamaruthappapuram village in Tirunelveli District. The petitioner enrolled her name in the District Employment Exchange during the year 2000 at Tirunelveli. The Employment registration was periodically renewed. In March, 2010, the Government has directed the third respondent to fill up the post of Village Assistant in Tirunelveli District, as per the employment exchange seniority and by following the Rule of reservation.



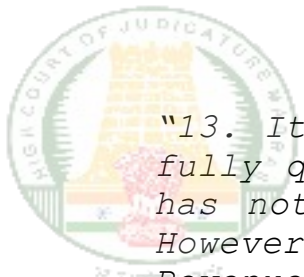
3. The third respondent in proceeding dated 02.03.2010 called the writ petitioner to attend the interview to be held on 15.03.2010. The petitioner had participated in the interview and produced her nativity certificate in order to prove her residency. However, the nativity certificate produced by the writ petitioner was not accepted and the Ration Card and Voter ID also were submitted by the writ petitioner. However, in respect of the documents submitted by the writ petitioner, the fourth respondent was appointed as Village Assistant. Thus, the writ petitioner is constrained to move this present writ petition.

4. The contention of the writ petitioner is that, the fourth respondent is not from the concerned village of Melamaruthappapuram and in fact, the fourth respondent is from Kurinjankulam which is a neighbouring village. Thus the respondents have committed an irregularity in not appointing the writ petitioner. The claim of the writ petitioner is that he had submitted the nativity certificate and inspite of that, her case was not considered for appointment.

5. The learned Government Advocate appearing on behalf of the respondents 1 to 3 made a submission that the writ petitioner was allowed to participate in the interview conducted by the respondent on 15.03.2010. The petitioner had produced her Ration Card and Voter ID Card. However, the petitioner had not produced the residential certificate which is an essential document for the appointment to the post of Village Assistant. The petitioner filed a petition before the District Collector and to the third respondent to consider her case for appointment to the post of Village Assistant without insisting the nativity certificate and on the basis of that, she is in possession of all the requisite qualification. Her request was negatived on the ground that bonafide residential certificate is essential for appointment to the post of Village Assistant.

6. Subsequently, the writ petitioner filed a writ petition before this Court to consider her representation dated 14.03.2010 for issuance of nativity certificate. Finally, it was found that the writ petitioner is the native of Melamaruthappapuram Village and a certificate for nativity was also issued to her on 15.05.2010 which is an adequate one for appointment to the post of Village Assistant. However, the petitioner is not eligible for appointment to the post of Village Assistant as she has no legal right to challenge the appointment order of the fourth respondent. The request of the writ petitioner was rejected, based on the other reasons also.

7. It is very relevant to extract paragraph 13 of the counter affidavit filed by the third respondent which reads as under:



"13. It is submitted that even though the writ petitioner is fully qualified for the appointment of Village Assistant she has not proved her bonafide residence in the Duty village. However, an spot inspection conducted by the District Revenue Officer, Tirunelveli on 09.09.2010 at about 7.30 p.m., visited the place of the petitioner and it was found that the petitioner physically residing at Sankarankoil with her family and not in the place, she has stated. Hence an order in this regard passed in the proceedings (D.R.O.) A1/27347/2010 dated 16.09.2010."

8. It is categorically stated that the spot inspection was conducted by the D.R.O. on 09.09.2010 at about 7.30 p.m, in turn visited the place of the petitioner and it was found that the petitioner was physically residing in Sankarankoil with her family and not in the place as stated by her. When the spot inspection was conducted by the DRO himself and found that the petitioner was not residing in the place as stated by her during the interview, this Court cannot consider the claim of the petitioner for quashing of the appointment order issued in favour of the fourth respondent. Thus, the writ petitioner has not established any acceptable legal grounds so as to consider her case for appointment.

9. Accordingly, this writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.
3. The Thasildar,
Veerakeralampudur Taluk,
Tirunelveli District.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.55384

+1cc to Spl.Government Pleader Sr.No.55635

PNN

VB/KKR/SAR1/26.03.2018/3P/6C