

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.10806 of 2009

M.Dayanidhi

.. Petitioner

-vs-

1.The District Collector,
Vellore District,
Sathuvachari, Vellore.

2.The Block Development Officer,
Vellore.

3.The Deputy Tahsildhar,
Office of the Tahsildhar,
Vellore.

4.The President,
Konvattam Panchayat,
Konavattam,
Vellore District.

5.S.Karthik

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified mandamus calling for the entire records in pursuant to the proceedings of the second respondent vide letter No.Na.Ka.Aa4/5589/06 dated 01.02.2007 and the proceedings of the fourth respondent vide letter dated 01.02.2007 and quash the same and direct the respondents 1 to 4 to appoint the petitioner for the post of Village Assistant-2 and allow this writ petition.

For Petitioner:: Mr.T.P.Prabakaran

For Respondents:: Mr.M.Elumalai,
Government Advocate
for R1 and R3

Mr.P.S.Jayakumar,
for R2

No appearance for R4 & R5

ORDER

The writ petition has been filed challenging the impugned letter No.Na.Ka.Aa4/5589/06 dated 01.02.2007 issued by the second respondent and the proceedings of the fourth respondent vide letter dated 01.02.2007 and seeking a direction to respondents 1 to 4 to appoint the petitioner for the post of Village Assistant-2.

2.It is averred in the affidavit by the petitioner that G.O. Ms. No.175, Rural Development and Panchayat Development dated 05.12.2006 issued by the Secretary to Government, Rural and Panchayat Department provides for appointment of Village Assistant-2 in all the Panchayats. According to the petitioner, the candidates requesting for appointment should possess the following eligibility criteria:

- 1)The candidate should have completed 28 years of the age as on 1st June of the respective year;
- 2)The candidate should have passed +2 examination and
- 3)The candidate should be the resident of the same Panchayat in which he seeks employment to the post of Village Assistant-2 and if suitable candidates are not available in the same Panchayat, then candidates from the adjacent Panchayat can be appointed.

Since the said criteria has not been followed, while appointing the fifth respondent, the present writ petition has been filed.

3.Reiterating the averments made in the counter affidavit filed by the second respondent, learned counsel for the second respondent would submit that after perusing the entire records of the fifth respondent, the third respondent issued the nativity certificate dated 08.03.2007 and on the basis of the same, the first respondent has directed the second respondent to appoint the fifth respondent as Assistant No.2 in the fourth respondent Panchayat. As per G.O. 175 R.D. Department dated 05.12.2006, the respondents 1 to 4 have followed the procedure correctly and appointed the fifth respondent in the said post.

4.It is seen that as per directions issued by the District Collector, Vellore District, the first respondent herein, the fifth respondent has been appointed by the Block Development Officer, Vellore, the second respondent herein, after perusing the entire records and the nativity certificate dated 08.03.2007 issued by the Deputy Tahsildhar, Vellore, the third respondent herein, following the procedure contemplated in G.O. 175 R.D. Department dated 05.12.2006. As the counter affidavit filed by the second respondent shows that the fifth respondent belongs to the same village, this Court finds no infirmity in the

order of appointment issued in favour of the fifth respondent. More over, the fifth respondent has been working in the said post for the past ten years. Therefore, this Court is not inclined to entertain the writ petition and the same fails and dismissed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vga

To

1.The District Collector,
Vellore District,
Sathuvachari, Vellore.

2.The Block Development Officer,
Vellore.

3.The Deputy Tahsildhar,
Office of the Tahsildhar,
Vellore.

+1cc to Mr.P.S.Jayakumar , Advocate SR.No. 21885

+1cc to Mr.T.P.Prabakaran, Advocate SR.No. 22310

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ppa (CO)

A.SK(22/04/2019)

सत्यमेव जयते

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