

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.21211 of 2010
and M.P.No.1 of 2010
and W.M.P.No.225 of 2017

P.Namadevan

.. Petitioner

Vs.

1.The District Collector,
Vellore District,
Vellore.

2.The Tahsildar,
Tirupattur Taluk,
Tirupattur,Vellore District.

3.The Sub Collector,
Tirupattur,
Vellore District.

4.The Employment Exchange Officer,
Vellore Employment Exchange,
Vellore.

.. Respondents

(4th respondent impleaded vide order
dated 01.11.2010 made in M.P.No.2 of 2010
in W.P.No.21211 of 2010)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the 3rd respondent pertaining to his order which is made in No.Na.Ka.903/08 (A4) dated 14.05.2008 and quash the same and consequently, direct the respondents to consider the case of the petitioner for appointment to the post of Village Assistant in the 2nd respondent's Taluk.

For Petitioner : Mr.R.Malaichamy

For Respondents : Mr.R.S.Selvam,
Government Advocate

O R D E R

This Writ Petition is filed to issue a writ of Certiorarified Mandamus, calling for the records of the 3rd respondent pertaining to his order which is made in No.Na.Ka.903/08 (A4) dated 14.05.2008 and quash the same and consequently, direct the respondents to consider the case of the petitioner for appointment to the post of Village Assistant in the 2nd respondent's Taluk.

2.The learned counsel appearing for the petitioner contended that the 2nd respondent wanted to fill up 13 posts of Village Assistant in and around Tirupattur Taluk. The 2nd respondent requested the Employment Exchange to sponsor eligible candidates. The 4th respondent, Employment Exchange sponsored eligible candidates including the name of the petitioner. The 2nd respondent called upon the petitioner to attend the interview and for document verification. The petitioner attended the interview and thereafter, he did not receive any information. On an enquiry with the 2nd respondent and from the information obtained under the Right to Information Act, the petitioner came to know about the appointment of 13 persons to the post of Village Assistant in Tirupattur Taluk. The petitioner belongs to Scheduled Cast Community. According to the petitioner, he is senior to one K.Anandan in employment registration and therefore, the petitioner ought to have been appointed in the post to which the said K.Anandan was appointed. Some of the candidates who have registered their names in the Employment Exchange subsequent to the petitioner were appointed to the said post. The petitioner gave a representation to the respondents to consider his case for appointment to the said post. The 3rd respondent, Sub Collector, Tirupattur Taluk by his letter dated Na.Ka.903/08 (A4) dated 14.05.2008, informed that name of the petitioner was not included in the list of candidates for interview. The said statement is not correct. The intimation letter of the District Employment Exchange, Vellore dated 26.03.2007 is evident for the petitioner being called for interview. According to the petitioner, the failure on the part of the respondents 1 and 2 to appoint the petitioner to the post of Village Assistant is arbitrary and violative of Rule 7(iii)(c) of the Special Rules for Tamil Nadu Village Servants Service and prayed for allowing the Writ Petition.

3.The 2nd respondent filed counter affidavit for himself and on behalf of the other respondents. In the counter affidavit, it is stated that the 1st respondent was permitted to fill up 13 posts of the Village Assistants in Tirupattur Taluk through Exmployment Exchange. The then Tahsildar,

Tirupattur called for list of candidates in the ratio of 1:20. On receipt of the list, he conducted interview on 30.03.2007. The 2nd respondent was given instructions to follow the procedure and averments prescribed in G.O.Ms.521, Revenue Department dated 17.06.1998 and Special Rules framed under Rule 7(iii)(c) of the Special Rules for Tamil Nadu Village Servants Service. As per the said rules and procedure, the list of candidates in the ratio of 1:5 was called for and the District Employment Exchange, Vellore sent names of 51 persons by letter A2/17188/2007 dated 25.01.2008. As per the revised list, 51 persons were called for interview on 30.01.2008. Out of the 51 persons, 13 persons were selected and appointed. The petitioner's name was not in the list of 51 persons sent by Employment Exchange on 25.01.2008. The petitioner was not called for interview and hence, not appointed and therefore, prayed for dismissal of the Writ Petition.

4. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents and perused the materials available on record.

5. From the materials on record, it is seen that the 1st respondent was permitted to fill up the post of 13 Village Assistants in Tirupattur Taluk through Employment Exchange. Originally, the name of the petitioner was sponsored by Employment Exchange and he attended the interview conducted by the respondents on 30.03.2007. Subsequently, the 2nd respondent called for names of persons in the ratio of 1:5, instead of 1:20, as done earlier. In the 2nd list, the names of 51 persons were sponsored by the Employment Exchange. To fill up 13 posts, names of 65 persons ought to have been sponsored by the Employment Exchange in the ratio of 1:5. The respondents have not explained as to why only 51 persons were sponsored instead of 65 persons in the ratio of 1:5 for the post of 13 Village Assistants and why name of the petitioner was not sponsored when he registered his name in the year 1981, while the persons registered subsequently up to the year 2006 were sponsored. On a complaint given by the petitioner, an enquiry was conducted, but the petitioner was not informed about the out come of the enquiry and the respondents have also not stated in the counter affidavit about the enquiry and findings of the enquiry. On the face of the materials available on record, it is seen that grave irregularities ought to have been committed by the respondents as well as the District Employment Office, Vellore.

6. For the above reasons, the impugned order of the 3rd respondent is quashed. The 1st respondent, District Collector

is directed to conduct an enquiry and take action against the Officials who have committed irregularities and file report before this Court on or before 31st December, 2019.

7.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed. For reporting compliance, post the matter on 02.01.2020.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Vellore District,
Vellore.
- 2.The Tahsildar,
Tirupattur Taluk,
Tirupattur,Vellore District.
- 3.The Sub Collector,
Tirupattur,
Vellore District.
- 4.The Employment Exchange Officer,
Vellore Employment Exchange,
Vellore.

+1cc to Mr.R.Malaichamy , Advocate SR.No 61061.
+1 cc to Government Pleader Sr.No. 61918

W.P.No.21211 of 2010

A.SK(21/08/2019)

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