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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.21839 of 2019
and W.M.P.No.21055 of 2019

R.Ranjithkumar

... Petitioner

-Vs-

1. The Commissioner of Revenue Administration,
Chepauk,
Chennai - 600 005.
2. The District Collector,
Namakkal District,
Namakkal.
3. The Revenue Divisional Officer,
Namakkal.
4. The Tahsildar,
Namakkal Taluk,
Namakkal.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents to consider the claim of the petitioner for appointment as Village Assistant in Namakkal District, in any of the existing or next arising vacancies.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.N.Parthasarathy
Government Advocate

ORDER

This writ petition has been filed for the issuance of writ of mandamus directing the respondents to consider the representation made by the petitioner to appoint him as a Village Assistant at Namakkal District.

2.It is seen from the records that the Tahsildar, Namakkal, in and by his letter dated 20.04.2013 had called the petitioner for an interview on 17.05.2016, for considering the petitioner for appointment to the post of Village Assistant.



Admittedly, the petitioner was not selected and some other person has been selected for the said post. The entire process was over in the year 2013.

3. All of a sudden in the year 2019, the petitioner started fishing for details regarding the appointment that was made in the year 2013 to the post of Village Assistant. Now, the writ petition has been filed by the petitioner on a mere apprehension that an ineligible candidate has been appointed as Village Assistant in the year 2013. Therefore, the petitioner has submitted a representation to the respondents to consider his appointment as Village Assistant.

4. The learned counsel for the petitioner submitted that the details regarding the earlier appointment that took place in the year 2013 is not being made available and therefore there is a suspicion that the appointment made in the year 2013 is totally illegal and an ineligible candidate has been selected for the post of Village Assistant. The learned counsel submitted that the petitioner having approached this Court in the year 2019 is only seeking for direction to the respondents to consider his representation to be appointed to the post of Village Assistant.

5. Mr. S. N. Parthasarathy, the learned Government Advocate appearing on behalf of the respondents vehemently opposed the relief that has been sought for in this writ petition. The learned counsel submitted that the petitioner has not even challenged the appointment that took place in the year 2013 and there is absolutely no legal right for the petitioner to seek for appointment to the post of Village Assistant and therefore there is no legal duty for the respondents to consider the representation made by the petitioner.

6. This Court has carefully considered the submissions made on either side and also the materials available on record.

7. This writ petition has been filed on mere apprehension and surmises. The petitioner has made a veiled attempt to open up a cause of action to consider him to the post of Village Assistant by merely sending a representation to the respondents.

8. This Court cannot mechanically direct the authorities to consider the representation without satisfying itself that the petitioner has a legal right to espouse the same. Unless, there is a legal right, the authorities do not have any duty to keep considering the representation in a mechanical fashion. There must be some purpose in directing the authorities to consider the representation and it cannot be ordered as a matter of course. The petitioner has not



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challenged the appointment to the post of Village Assistant that took place in the year 2013 and by sending a representation in the year 2019, the petitioner wants to revive a closed chapter and the same cannot be permitted by this Court.

9. In the result, this Court does not find any merits in this writ petition. Accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Commissioner of Revenue Administration,
Chepauk,
Chennai - 600 005.

2. The District Collector,
Namakkal District,
Namakkal.

3. The Revenue Divisional Officer,
Namakkal.

4. The Tahsildar,
Namakkal Taluk,
Namakkal.

+1cc to Mr.M.Ravi, Advocate SR.101478
+1cc to the Government Pleader SR.100730

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SSI (CO)
CB(09/01/2020)