



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.11538 of 2017

and W.M.P (MD) Nos.8876 of 2017 & 18875 of 2017

M.Thirumeni Selvam

... Petitioner

Vs.

1.The District Collector,
Tirunelveli, Tirunelveli District.

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

3.The Tahsildar, Sankarankovil Taluk,
Tirunelveli District.

4.The Village Administrative Officer,
Keelaveerasigamani Village,
Sankarankovil Taluk,
Tirunelveli District.

5.Petchimuthu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents 1 to 3 to cancel the order of appointment of the fifth respondent as Village Assistant, Keelaveerasigamani Village, Sankarankovil Taluk, Tirunelveli District.

For Petitioner : Mr.R.J.Karthick

For RR 1 to 4 : Mrs.J.Padmavathy Devi,
Special Government Pleader.

For R - 5 : Mr.Niranjan S.Kumar

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents 1 to 3 to cancel the order of appointment of the fifth respondent as Village Assistant, Keelaveerasigamani Village, Sankarankovil Taluk, Tirunelveli District.

2.Heard the learned Counsel appearing for the petitioner; the learned Special Government Pleader appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.



3.The case of the petitioner is that the third respondent called for application for the post of Village Assistant in Keelaveerasigamani Village and he applied for the same. The third respondent by proceedings, dated 18.11.2016 called for interview on 25.11.2016 and the petitioner along with six others participated in the interview. To his shock and surprise, the fifth respondent, who does not even belong to Keelaveerasigamani Village but belongs to Veerasigamani Village, was given appointment. Therefore, seeking direction to cancel his appointment, the petitioner has filed the present Writ Petition.

4.The learned counsel for the petitioner submitted that the fifth respondent has submitted a fake certificate with regard to his residence and Keelaveerasigamani is a separate Village Panchayat and Veerasigamani is a separate Panchayat. The learned counsel further submitted that as per the notification, dated 20.10.2015, the fifth respondent has crossed the age of 32. Hence, the petitioner seeks a direction to cancel the order of appointment of the fifth respondent as Village Assistant, Keelaveerasigamani Village.

5.Though the Writ Petition is of the year 2017, no counter-affidavit is forthcoming on the side of the respondents.

6.The learned Special Government Pleader appearing for the respondents 1 to 4 submitted that while making appointments, the concerned authority has considered the candidature of the fifth respondent such as Educational qualification and age limit etc., and therefore, the appointment need not be disturbed at this stage.

7.The learned counsel appearing for the fifth respondent supports the order of appointment made by the concerned authority.

8.Considering the facts and circumstances of the case and also considering the fact that the fifth respondent was appointed based on merits and ability and pursuant to the appointment, he has also joined in service, this Court is of the view that the appointment of the fifth respondent at this stage need not be disturbed. However, the respondents 1 to 4 are directed to consider the candidature of the petitioner, if any vacancy arises in future.

9.The Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

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To

1.The District Collector,
Tirunelveli, Tirunelveli District.

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

3.The Tahsildar,
Sankarankovil Taluk,
Tirunelveli District.

4.The Village Administrative Officer,
Keelaveerasigamani Village,
Sankarankovil Taluk,
Tirunelveli District.

+1CC TO MR.NIRANJAN S.KUMAR, Advocate Sr. No. 54921

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 55358

W.P (MD) No.11538 of 2017
19.03.2019

TR (11.04.2019) 3P 7C