



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

**W.P. (MD)No.8428 of 2012
and M.P (MD)Nos.1 & 2 of 2012**

J.Govindarasu

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Sivagangai District.

2.The Tahsildar,
Office of the Tahsildar,
Ilayankudi,
Sivagangai District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.A7/4947/2006 dated 13.01.2012 passed by the second respondent and quash the same as illegal and consequently direct the second respondent to appoint the petitioner for the post of Village Assistant for Salaigramam Village or any other Village in Ilayankudi Taluk, Sivagangai District.

For Petitioner	: Mr.K.A.Nandagopan
For Respondents	: Mr.C.Ramar, Additional Government Pleader.

ORDER

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.A7/4947/2006 dated 13.01.2012 passed by the second respondent and to quash the same and consequently directing the second respondent to appoint the petitioner for the post of Village Assistant for Salaigramam Village or any other Village in Ilayankudi Taluk, Sivagangai District.

2.The learned counsel appearing for the petitioner



submitted that the second respondent issued advertisement regarding appointment to the post of six Village Assistants in the above said Taluk viz., Sirupalai, Vijayankudi, Kachathanallur, North Andakkudi, Salaigramam and Aakkavayal. Later on, the second respondent has sought for seniority list from the District Employment Office and they also sponsored the list of eligible candidates to be filled up for six vacancies. On 06.09.2010, the second respondent sent a call letter to the petitioner to attend the interview on 13.09.2010 along with original certificates and he also attended the interview on the said date. In the mean while, after verifying the documents on 25.09.2010, the second respondent had given three appointment orders to three persons, but no appointment order was given to the petitioner and two others. Hence, the petitioner sent a representation dated 08.10.2010 to the second respondent. Since no reply has been given by the second respondent, the petitioner filed a Writ Petition in W.P.(MD)No.12958 of 2010 and this Court, by order dated 19.10.2011, directed the second respondent to consider the said representation of the petitioner by affording opportunity to him and pass orders within a period of twelve weeks. After conducting an enquiry and also after verifying the records, the second respondent passed the impugned order on 13.01.2012 stating that new 200 point communal roster has been revised as per the Government order and accordingly, the second respondent dropped the entire earlier selection proceedings. Challenging the same, the petitioner has filed the Writ Petition.

3.The learned Additional Government Pleader appearing for the respondents submitted that earlier for the post of Village Assistant, eligible candidates were called for through the Employment Exchange and communal roster was fixed. Accordingly for OC community 31%, for BC community 30%, for MBC community 20% and for SC community 19% and totally 100% was calculated and panel was made ready. At the same time, on 13.09.2010, the persons those who attended the interview list was prepared and it was sent to the Revenue Divisional Officer, Sivagangai for concurrence. As per G.O.Ms.No.142, Personnel and Administrative Reforms Department, dated 14.10.2009, there were classifications and seats were also given to Arunthadiyar, Minorities and separate reservation for Muslims was awarded and accordingly, 200 points communal roster was raised. As per the said Government Order, the Revenue Divisional Officer again prepared a list and accordingly, the earlier selection made was cancelled and dropped.

4.The learned Additional Government Pleader appearing for the respondents further submitted that as per the orders of this Court passed in W.P.(MD)No.12958 of 2010, the representation of the petitioner was considered and it was found that they have made 200



points communal roster and fresh appointments will be made from the available qualified persons from the Employment Exchange. If his name has been referred by the said Employment Exchange, the petitioner's case will be considered and appropriate orders will be passed.

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5.The learned Additional Government Pleader appearing for the respondents has produced the proceedings of the Revenue Divisional Officer, Ilayangudi in Na.Ka.No.11/4947/2006 dated 03.02.2020, wherein it is stated that as per the proceedings dated 23.09.2010, persons were called for interview and thereafter, as per G.O.Ms.No.142, revised fresh panel was called for from the Tahsildar, Ilayankudi. Hence, the notification issued in Na.Ka.No.11/4797/2006 dated 03.07.2010 was hereby cancelled.

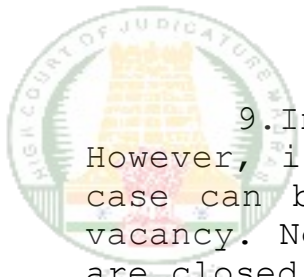
6.It is seen from the records that when the petitioner has already filed a Writ Petition in W.P(MD)No.12958 of 2010 seeking for placement as Village Assistant, this Court by order dated 19.10.2011 passed the following order:

'4.In view of the limited prayer now prayed before this Court, this Court, without going into the merits of the representation of the petitioner dated 08.10.2010, is constrained to direct the second respondent herein, to consider the said representation by affording opportunity the petitioner and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. No costs.'

7.In view of the order passed by this Court, the petitioner appeared before the Tahsildar for enquiry on 16.12.2011 and he informed that already on 13.09.2009, he appeared for interview and as per the same, he ought to have been considered for the said post and the same was considered by the Tahsildar. It is further seen that as per the Government Order passed in G.O.Ms.No.707, Revenue Department, dated 06.12.2006, 200 points communal roster have been raised and fresh selections were to be conducted through Employment Exchange and if the petitioner's name was found in such a place in the Employment Exchange list, definitely, as per the qualification of the petitioner, a final order will be passed.

8.Accordingly, this Court is of the view that the petitioner has already attended the interview on 13.09.2009 and as per G.O.Ms.No.707, Revenue Department, dated 06.12.2006, the petitioner's request can be considered, if he is otherwise found eligible.



9. In view of the above, the Writ Petition is disposed of. However, if the petitioner is found to be otherwise eligible, his case can be considered by the authority concerned in the future vacancy. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

ps
To

1. The District Collector,
Collectorate,
Sivagangai District.

2. The Tahsildar,
Office of the Tahsildar,
Ilayankudi,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-12008[F] dated 17/03/2020)

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-11965[F] dated 17/03/2020)

Order made in
W.P. (MD) No.8428 of 2012
Dated:
16.03.2020

SM/ (07.05.2020) 4P 5C