



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.20719 of 2014

and

M.P. (MD) No.2 of 2014

WEB COPY

- 1.S.Palanikumar
- 2.V.Mahalingam
- 3.K.Pandiyar
- 4.K.Naganathan

...Petitioners

Vs.

- 1.The District Collector,
Ramanathapuram,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Ramanathapuram Division,
Ramanathapuram District.
- 3.The Thasildar,
Thiruvadanai Taluk,
Thiruvadanai,
Ramanathapuram District.
- 4.The District Employment Officer,
Ramanathapuram,
Ramanathapuram District.
- 5.K.Muthu
- 6.S.Aliraghuman
- 7.S.Eswaran
- 8.A.Dhanabalan
- 9.Sureshgandhi
- 10.M.Gandhi
- 11.T.Vellimalar
- 12.R.Thangapandiammal
- 13.K.Kokila
- 14.A.Revathi
- 15.K.Bharathi
- 16.K.Sivasankaran
- 17.M.Nagarajan
- 18.S.Louis Bernandow
- 19.V.Amutha
- 20.M.Kaliswaran
- 21.K.P.Sivakumar
- 22.M.S.Thirugovindarajan



23.S.Shagayamarry
24.P.Kalaiselvi
25.V.Baskaran
26.Elangsearalathan
27.K.Anbumalar
28.K.Viswanathan
29.I.Aanthonisekar
30.M.Ilakiya
31.T.Suresh
32.N.Vasuki
33.P.Chitra
34.S.Pushpa
35.K.Sivasamy
36.K.Mahalingam
37.Karthikeyan
38.R.Sundaram
39.Anbarasan
40.J.Josephraj
41.V.Navaneetham
42.S.Radhakrishnan
43.K.Ilango
44.R.Saranya
45.A.Sebastean
46.N.Saranraj
47.R.Baskaran

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned appointment orders issued by the 3rd Respondent in his Proceedings in Na.Ka.B8-26024-2013, dated 27.02.2014 in so far as the appointment of the respondents 5 to 47 are concerned and quash the same as illegal and consequently to direct the respondents 1 to 4 to conduct fresh selection for appointment to the post of Village Assistant in terms of G.O. Ms. No. 521 Revenue (Ser.VII (2)) Department dated 17.06.1998 and further direct the 4th respondent to sponsor the candidates by relaxing maximum age limit up to 5 years in terms of G.O.Ms. No. 21 Labour and Employment (N2) Department dated 02.02.2000.

For Petitioners : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents 1 to 4 : Mrs.G.Arjunan
Government Advocate

For Respondents 5 to 47 : No Appearance



O R D E R

The order of the third respondent dated 27.02.2014 appointing the respondents 5 to 47 as Village Assistants are sought to be quashed. Further direction is sought for to conduct fresh selection of appointment to the post of Village Assistant in terms of G.O.Ms.No.521 Revenue (Ser.VII (2)) Department dated 17.06.1998.

2. The learned counsel appearing on behalf of the writ petitioners made a submission that the writ petitioners were not selected on account of certain irregularities committed by the respondents 1 to 4 in the matter of recruitment of Village Assistant. The learned counsel for the writ petitioners states that the post of Village Assistants are not reserved for the differently abled persons. The reply to the applications under the RTI Act, issued by the Deputy Tahsildar also reveals that there is no allotment of post for the differently abled persons. However, the differently abled persons, who are all the respondents 5 to 47 in this writ petition were appointed as Village Assistants. Thus, the respondents 1 to 4 are committed an act of violation in appointing differently abled persons as Village Assistants.

3. Further, it is contended that the persons who belong to some other village were appointed in another village as per the Government orders preference must be given to the candidate residing in the same village. In the present case, the candidates from the other villages were also appointed as Village Assistants and accordingly, the respondents 1 to 4 committed irregularities in appointment.

4. The learned Government Advocate appearing on behalf of the respondents 1 to 4, disputed the said contention by stating that the selection was conducted in accordance with law procedures contemplated. The Recruiting Authorities have followed the rule of reservation as per 200 point roster as contemplated under Rule 22 of the General Rules of Tamil Nadu State and Subordinate Services. By adopting the general rules and by following the rule of reservation, the appointment to the post of Village Assistants, were made.

5. Further, it is contended that the candidates were sponsored by the Employment Exchange in accordance with the 200 point roster system and reservation was also provided by horizontal reservation in respect of differently



abled and destitute widows, etc. Both vertical and horizontal reservations were followed for adopting 200 point roster system. The Differently abled persons were fitting with the horizontal reservation and therefore, there is no irregularity. This apart eligible differently abled persons alone were considered for appointment to the post of Village Assistants. The eligibility was also assessed as per the rules and therefore, the writ petition is devoid of merits.

6. Considering the arguments, this Court is of the considered opinion that the order of appointment issued in favour of the respondents is under challenge. Broad allegations were made in this writ petition. With reference to the contention raised on behalf of the petitioners that the differently abled persons should not be appointed in the post of Village Assistants, the same deserves no merits consideration. In fact, eligible differently abled persons are certainly entitled for public appointments. Undoubtedly, the eligibility of the differently abled persons sought to be assessed, while implementing the horizontal reservation. However, there is no such allegation in the writ petition that an ineligible differently abled person was appointed. The broad allegation is that the differently abled persons are not at all eligible for appointment to the post of Village Assistants. Therefore, such contention cannot be accepted at all.

7. As far as the appointment of the candidates from other villages, the Government order stipulates that if no qualified person is available in a particular village, in a particular category then the persons from other villages are considered for appointment. For instance, if Scheduled Caste Arundhathiyar (SCA) candidate is not available in a particular village, then the eligible candidate in the same category who is residing in the nearby village can be appointed as Village Assistant. For every such rule there is an exception in order to achieve the object. If no qualified persons are available in a particular village that does not mean that the post must be kept vacant. The public services sought to be performed without any interruption. The post of Village Assistant is important and the same is to be filled up without causing any undue delay. The counter reveals that the selecting Authorities had followed 200 point roster system and both vertical and horizontal reservations are adopted for selecting the candidates and with reference to that point, the writ petition has not set out any contra allegations. The respondents 5 to 47 were appointed in the year 2014 and working as Village Assistants for the past about 6 years. Under these circumstances, the relief as such sought for deserves no merits at



all and accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (CS-II)

/ /2020

Sub Assistant Registrar (CS)

rm

To

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram Division,
Ramanathapuram District.

3.The Thasildar,
Thiruvadanai Taluk,
Thiruvadanai,
Ramanathapuram District.

4.The District Employment Officer,
Ramanathapuram,
Ramanathapuram District.

+1 CC to SGP (SR-19610[F] dated 09/10/2020)

W.P. (MD) No.20719 of 2014

07.10.2020

SJ(CO)

KM (19.10.2020) 5P 6C