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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.14907 of 2012
and M.P.No.2 & 3 of 2012

S.Sampath

...Petitioner

Vs.

- 1.The District Collector,
Thiruvallur District,
Thiruvallur.
- 2.The Revenue Divisional Officer,
Tiruttani,
Thiruvallur District.
- 3.The Tahsildar,
Tiruttani Taluk,
Tiruttani, Thiruvallur District.
- 4.The Tahsildar,
Pallipattu Taluk,
Thiruvallur District.

...Respondents

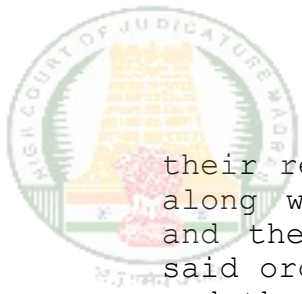
Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 2nd respondent in Na. Ka. A1/2715/2011 dt 9.1.2012 quash the same further direct the respondents 1 to 4 herein to continue the employment of the petitioner as per his appointment order dt 19.11.2911.

For Petitioner : Mr.V.Babu

For Respondents : Mr.P.Anandkumar, G.A.

O R D E R

The petitioner was appointed as Village Assistant in the year 1992 on temporary basis and thereafter, he was relieved from service. The petitioner and two others have filed writ petition in W.P.No.29138 of 2007 and this Court by order dated 3.9.2007 has directed the respondent to consider



their representation, dated 18.8.2007. Again, the petitioner along with one M.Thiyagarajan has filed W.P.No.8015 of 2008 and the same was dismissed by this Court. Challenging the said order, the petitioner filed appeal in W.A.No.1031 of 2010 and the appeal was dismissed as withdrawn. Thereafter, the petitioner was appointed as Village Assistant, Karimedu Village by the proceedings of the Tahsildar, Pallipattu, dated 19.11.2011 and the said appointment order was cancelled by the Revenue Divisional officer, Tiruttani, dated 9.1.2012. Challenging the said order, the petitioner and 5 others have filed W.P.No.1588 of 2012 and the same was withdrawn by the petitioner. Thereafter, the petitioner has filed the instant writ petition before this Court against the said cancellation order passed by the 2nd respondent in Na. Ka. A1/2715/2011 dated 9.1.2012.

2. According to the learned Government Advocate appearing for the respondent, the petitioner was appointed as Village Assistant as per G.O.Ms.No.155 Revenue department, dated 26.3.2010. As per G.O.No.155, 25% of vacancies in the post of Village Assistant has been reserved for eligible persons to be appointed on compassionate grounds. The heirs of the government servants who were died while in service are alone eligible for appointment with reference to G.O.No.155, dated 26.3.2010. Therefore, the petitioner was not appointed as Village Assistant. As per G.O.No.787, dated 6.12.2006, the candidates sponsored by the Employment Office have to be considered for appointment to the post of Village Assistant. The selection list of Village Assistants submitted by the Tahsildar has to be concurred by the Revenue Divisional Officer. The petitioner's name was not sponsored by the Employment office, as prescribed in G.O.Ms.No.787, dated 6.12.2006. Considering the aforesaid reason, the second respondent has rightly cancelled the petitioner's appointment and therefore, the writ petition is liable to be dismissed.

3. Heard the rival submissions of the parties and perused the materials available on record.

4. Considering the fact that the appointment made by the fourth respondent is against G.O.No.787, dated 6.12.2006 and G.O.No.155, dated 26.3.2010 and when the same was came to the knowledge of the second respondent, he cancelled the said order as illegal. The petitioner has not obtained any interim direction to continue in service after the impugned order passed by the second respondent. Though petitioner's name was sponsored by the Employment office and he was appointed as Village Assistant in the vacancies reserved for eligible persons to be appointed on compassionate grounds. On verification, the said appointment was cancelled by the second respondent. Therefore, there is no error or irregularity in the impugned order passed by the second respondent.



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5. Accordingly, the writ petition stands dismissed.
No cost. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Thiruvallur District, Thiruvallur.
- 2.The Revenue Divisional Officer,
Tiruttani, Thiruvallur District.
- 3.The Tahsildar,
Tiruttani Taluk,
Thiruvallur District.
- 4.The Tahsildar,
Pallipattu Taluk,
Thiruvallur District.

+1cc to Mr.V.Babu, Advocate SR. No.68586
+1cc to Government Pleader SR. No.69069

W.P.No.14907 of 2012
and M.P.No.2 & 3 of 2012

PVS (CO)
PR (19/01/2022)