



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.14977 of 2019

and W.M.P. (MD).No.11485 of 2019

WEB COPY

Ganesan

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Tahsildar,
Musiri Taluk Office,
Musiri,
Trichy District.

3.Vijayalakshmi

4.K.Dinesh

5.Renganayaki

6.Jegadesan

7.Murugesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in pertaining to the impugned order of the 2nd respondent dated 11.04.2018, vide his proceedings in Na.Ka.A3/6449/2017 and quash the same as arbitrary, illegal and without Jurisdiction and consequently directing the Respondent to appoint the petitioner in the post of village Assistant on the basis of petitioner's representation dated 20.03.2019 and 04.06.2019.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.A.Muthukaruppan for R1 & R2
Additional Government Pleader

Mr.V.Meenakshi Sundaram for R3 to R7

O R D E R

Heard the learned counsel appearing for the petitioner and the learned counsels appearing for the respondents.



2.The petitioner is aggrieved against the appointment of the respondents 3 to 7 as the Village Assistants, who were appointed, pursuant to the selection notification, dated 12.08.2017. The consequential prayer sought for by the petitioner is that on cancellation of the appointments of the respondents 3 to 7, the petitioner should be appointed to the said post. Insofar as the consequential prayer is concerned, the petitioner may not have a right to claim that he should be appointed to the post of Village Assistant, when the respondents in their counter affidavit have stated that the petitioner was disqualified and not selected for the said post. It is also stated in the counter affidavit that the respondents 3 to 7 were selected as per the norms prescribed by the authorities. The grounds raised by the petitioner in the present writ petition with regard to his issuance of a direction for his appointment cannot be sustained, since the petitioner will not have a legal right for automatic selection.

3.Nevertheless, his request with regard to the alleged disqualifications for the respondents 3 to 7 for hold the posts seems to have been addressed to the official respondents by way of a representation.

4.In this background, if the first respondent herein is directed to consider the petitioner's representation on its own merits and pass appropriate orders in accordance with law, the ends of justice could be secured. It is made clear that this Court is not expressed any of the view with regard to the qualifications of the respondents 3 to 7 or has not found fault with the appointments made to the respondents 3 to 7 herein. However, the first respondent shall entitled to pass appropriate orders on the petitioner's representation dated 20.03.2019 & 04.06.2019 as expeditiously as possible.

5.This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Trichy District,
Trichy.

2.The Tahsildar,
Musiri Taluk Office,
Musiri,
Trichy District.

+1 CC to M/s.SPL GP (SR-13323[F] dated 24/03/2021)

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-13511[F] dated 25/03/2021)

W.P. (MD) No.14977 of 2019
23.03.2021

RK (20.04.2021) 3P 5C

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