



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.19575 of 2020

and

W.M.P (MD)No.16300 and 16298 of 2020

WEB COPY

M.Ramanathan

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

3.V.Bhavani Priya

... Respondents

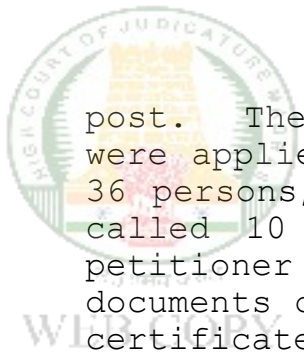
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in his proceeding in Na.Ka.No.A1/583/2020, dated 10.11.2020 and quash the same against the third respondent, who was appointed as Village Headman and insert the petitioner in the place of the third respondent.

For Petitioner	: Mr.V.R.Shanmuganathan for Mr.P.Arun Jayatram
For R1 & R2	: Mr.P.Subbaraj Government Advocate
For R3	: Mr.S.Visvalingam

ORDER

The petitioner has come out with the present writ petition to quash the impugned order, dated 10.11.2020, passed by the second respondent in his proceeding in Na.Ka.No.A1/583/2020 and consequently, direct the second respondent to appoint the petitioner as Village Headman in the place of the third respondent.

2. According to the petitioner, he hails from poor family. He studied up to 12th Standard. He is a blind person. The second respondent issued notification, dated 26.06.2020, calling for applications to the post of Village Assistant for 16 Villages in the Taluk. One of the villages viz., Pattamangalam is at Sl.No.59. The post of Village Assistant in Pattamangalam Village is reserved for blind (General turn priority). The petitioner applied for the said



post. The Employment Exchange sponsored 5 persons and 36 persons were applied on seeing the advertisement in the Newspapers. Out of 36 persons, 31 applications were rejected. The second respondent called 10 persons for interview including the petitioner. The petitioner attended the interview on 04.09.2020 and produced all the documents called for by the second respondent including the medical certificate to prove that he is a physically disabled person (blind). He also produced the nativity certificate issued by the Zonal Deputy Tahsildar to prove that he is residing within 5 kms of Pattamangalam Village. After the interview, according to the petitioner, the second respondent with an ulterior motive and for the reasons best known to him, appointed the third respondent as Village Assistant of Pattamangalam Village.

3. The learned counsel appearing for the petitioner submitted that the third respondent is not a blind person and she is not resident of within 5 kms of the said Village. The learned counsel appearing for the petitioner further submitted that in the selection list, report of the Tahsildar was affixed on the notice board stating that no blind person was available and hence, the third respondent was appointed. The learned counsel also submitted that the petitioner was shortlisted from and out of 5 persons, including the third respondent, who attended the interview. Without considering the disability certificate issued by the Medical Board, Government Headquarters Hospital, Ramanathapuram, produced by the petitioner, to show that he is a blind person, the second respondent appointed the third respondent, who is not a blind person, which is invalid and illegal and prayed for setting aside order of the second respondent appointing the third respondent and for a direction to the second respondent to appoint the petitioner as Village Headman and prayed for allowing the writ petition.

4. Mr.P.Subbaraj, learned Government Advocate appearing for the respondents 1 & 2 submitted that the post of Village Assistant for Pattamangalam Village was reserved for blind person and 10 persons were called for interview. Only 5 persons were attended the interview. The learned Government Advocate appearing for the respondents 1 & 2, on written instructions received from the second respondent, submitted that no blind person was available and hence, the third respondent was appointed as Village Assistant and there is no error in the order of the second respondent appointing the third respondent and prayed for dismissal of the writ petition.

5. Mr.S.Visvalingam, learned counsel appearing for the third respondent submitted that considering the eligibility of 5 persons, who are all attended in the interview and no blind person was available, the second respondent appointed the third respondent as Village Assistant. There is no error in the order of the second respondent appointing the third respondent as Village Assistant and prayed for dismissal of the writ petition.



6. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents 1 & 2 and the learned counsel appearing for the third respondent and perused the materials available on record.

7. From the materials on record and the submissions of the learned counsel appearing for the petitioner it is seen that as per the Notification of the second respondent, dated 26.06.2020, for appointment of Village Assistant for 16 Villages in Thiruvadanai Taluk, including the Pattamangalam Village, the Village Assistant post in Pattamangalam Village is reserved for general (blind non priority) category. The petitioner applied for the said post and according to the learned counsel for the petitioner, the petitioner is possessing all the requisite qualifications prescribed for the said post including to prove that he is a blind person. In the typed set of papers filed in support of the above writ petition, the learned counsel appearing for the petitioner produced the disability certificate issued by the Medical Board, Government Headquarters Hospital, Ramanathapuram. In the Medical Certificate produced, it is mentioned that the petitioner is partial blind and the percentage of disability is 90%. In the report of the second respondent, dated 30.11.2020, affixed in the notice board along with appointment order, it is stated that no blind person was available and hence, the third respondent was appointed. The reason given by the second respondent for appointing the third respondent, who is not a blind person, in the post reserved for the blind person, is erroneous, when the petitioner, who is a blind person, as per the certificate issued by the Medical Board, Government Headquarters Hospital, Ramanathapuram, was available on the date of appointment.

8. For the above reason, the impugned order of the second respondent, dated 10.11.2020, is set aside. The second respondent is directed to appoint the petitioner as Village Assistant in Pattamangalam Village.

9. With the above observations and direction, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

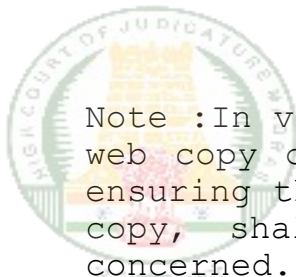
Assistant Registrar ()

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/ /2021

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

WEB COPY

To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-21503[F] dated 07/07/2021)

+1 CC to M/s.P.ARUN JAYATRAM, Advocate (SR-21611[F] dated
08/07/2021)

W.P. (MD)No.19575 of 2020

06.07.2021

SSS (CO)

LR (20.07.2021) 4P 5C