



W.P.Nos.9058, 11050, 9175, 9599, 9378, 8725, 12329 & 11833 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 04.07.2022

DELIVERED ON: 14.07.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos.9058, 11050, 9175, 9599, 9378, 8725, 12329 & 11833 of 2022
WMP.Nos.8859, 8640, 10645, 8933, 9337, 9118, 11780 & 11270 of 2022

W.P.No.9058 of 2022

- 1.Mrs.N.Maheswari
- 2.Mrs.Jyothirathna
- 3.Mr.R.Sasikumar
- 4.Mr.A.Rajesh
- 5.Mr.A.Sivakumar
- 6.Mr.N.Jeyaseelan
- 7.Mrs.A.Fathima
- 8.Mr.R.Seshan
- 9.Mrs.A.Kayathiri
- 10.Mrs.V.Vasanthi
- 11.Mr.M.Vinoth
- 12.Mr.Guna
- 13.Mr.S.Dinesh
- 14.Mrs.L.Priya
- 15.Mr.G.Hareesh Prabhu

.. Petitioners

vs.

- 1.Government of Tamil Nadu,
Represented by Secretary Revenue
and Disaster Management Department,
Fort St.George, Chennai-600 009.



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2. The District Collector,
Mayiladuthurai,
Mayiladuthurai District.

3. The Tahsildar,
Sirkazhi, Sirkazhi Taluk,
Mayiladuthurai District.

.. Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records in Na.Ka.No.482/2021/A5 dated 29.03.2022 on the file of the 2nd respondent and quash the same insofar as the petitioners are concerned in Sirkazhi Taluk and direct the respondents to continue the petitioners in the posts of Village Servants subject to the provisions of Tamil Nadu Village Servants Service Rules, 1980, Tamil Nadu Village Servants (Classification Control and Appeal) Rules 1983 and Tamil Nadu Village Servant Conduct Rules, 1983.

For Petitioners

W.P.No.9058 of 2022 : Mr.S.Sadashivam
W.P.No.11050 of 2022 : Mrs.Radhika Boopathi
W.P.No.9175 & 9599 of 2022 : Mr.Wilson Topaz
W.P.No.9378 of 2022 : Mr.T.Saikrishnan
W.P.No.8725 of 2022 : Mr.T.Balaji
for Mr.A.Thiyagarajan

W.P.Nos.12329 & 11833 of 2022 : Mr.V.Rajasekar

For Respondents

: Mr.V.Arun,
Additional Advocate General
assisted by
Mr.T.Chezhiyan,
Additional Government Pleader

COMMON ORDER

The issue involved in these writ petitions are one and the same and as



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such, they are taken up together and disposed of by this common order.

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2. The petitioners, challenging the impugned order of the District Collector Mayiladuthurai District in Na.Ka.No.482/2021/A5 dated 29.03.2022, whereby he has cancelled all the appointments made by the Tahsildars of respective jurisdictional Taluks appointing the petitioners as Village Assistants, have filed the present writ petitions.

3. The second respondent / District Collector, Mayiladuthurai has issued a Notification dated 08.01.2022 for filling up the posts of Village Assistants. The petitioners applied for the aforesaid post of Village Assistant, since they possess the required eligibility and educational qualifications. The Tahsildars of the respective Taluks conducted the interview in the month of February, 2022 and the petitioners appeared for the interview as per the call letters issued and they were successful in the interview as per the eligibility criteria prescribed in the notification and posting orders were issued to the petitioners by the respective Tahsildars of the Taluks and they joined in the respective Taluks as Village Assistants. While that being so, all of a sudden, the District Collector, Mayiladuthurai District / second respondent herein has



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passed the impugned order dated 29.03.2022, cancelling the order of appointments issued by the Tahsildars. The petitioners, aggrieved by the said illegal action of the second respondent/ District Collector, Mayiladuthurai District has filed the present writ petitions.

4. The contention of the petitioners is that the impugned order of the second respondent/District Collector cancelling the appointment made by the Tahsildars is arbitrary, illegal, without jurisdiction, contrary to the rules, namely Village Servants Service Rules, 1980 and also in violation of the principles of natural justice and therefore, the same is liable to be set aside.

5. A common counter affidavit has been filed on behalf of the second respondent / District Collector, Mayiladuthurai, wherein it has been stated that all these appointments were made without getting proper approval from the second respondent and therefore, it violates G.O.(Ms.)No.574, Revenue & Disaster Management Department dated 17.10.2020 which prescribes how the interview to be conducted stage by stage and as to how marks to be awarded to each of the candidates stage by stage and each stage of selection process and selection of successful candidates shall be proceeded only after



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obtaining prior approval from the District Collector concerned and finally the orders of appointment shall be published in the website of the District Collectorate concerned. It has been further stated in the counter affidavit that in pursuant to the order passed by this Court in W.P.(MD)No.19924 of 2013 dated 14.06.2019, the Government has passed G.O.(Ms.)No.574, Revenue & Disaster Management Department dated 17.10.2020, framing guidelines for selection and appointment to the post of Village Assistants and the District Collector / second respondent having noted that these appointments are made by the respective Tahsildars without getting approval from the District Collector and also in violation of the conditions imposed by this Court in W.P.(MD)No.19924 of 2013 dated 14.06.2019, has directed the Revenue Divisional Officer, Sirkazhi to forward the files to him and even before the file reaches his office, on 16.03.2022, the Tahsildar prepared 15 appointment orders and issued the same, without getting approval from the District Collector / second respondent and similarly, in respect of other Districts also, such type of appointments were issued by the Tahsildars concerned. According to the second respondent, the said appointment orders were issued illegally and also in violation of G.O.(Ms.)No.574 dated 17.10.2020 and the manner of selection of petitioners appears to be



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favouritism, nepotism as well as with influence on the face of records and therefore, the action of the second respondent / District Collector cancelling the illegal appointments is perfectly valid and therefore, prayed for dismissal of the writ petitions.

6. This Court has considered the submission made by the learned counsel for the parties and also perused the materials available on record.

7. The petitioners have been appointed as Village Assistants by the Tahsildars of the respective Taluks in pursuant to the notification dated 09.01.2022. The petitioners possess the eligibility criteria as per the notification and they had applied and participated in the selection process and became successful and appointment orders were issued and they were working as Village Assistants in the respective Taluks. While so, all of a sudden, without any notice whatsoever and without affording any opportunity, the second respondent/District Collector, Mayiladuthurai District has cancelled the appointment made by the Tahsildars and according to the petitioners, the action of the second respondent is illegal. It is further submitted that as per Section 53(3) of the Tamil Nadu Services Manual



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Volume III pertaining to Tamil Nadu Village Assistants Service Rules, the appointing authority for the post of Village Assistant is the Taluk Tahsildar having jurisdiction over the village concerned.

8. One Mrs.V.Parvathi has filed a writ petition in W.P.(MD)No.19924 of 2013 before the Madurai Bench of this Court challenging the impugned order of appointment of the sixth respondent therein as Village Assistant on the ground that there is no transparency in procedure in conducting the written examination and interview and this Court, vide order dated 14.06.2019, has observed as under:

“14.However, taking note of the fact that the appointed candidate is working for the past about 6 ½ years and the process of selection for the post of Village Assistant (Thalayari) across the State of Tamil Nadu is conducted in this way, this Court is not inclined to quash the appointment of the 6th respondent, who is working for the past about 6 ½ years in the post. Further, in the interest of future appointments, the following directions are issued:-

“1.The respondents 1 to 4 are directed to issue guidelines / instructions / circulars to the competent authorities to ensure that written examinations are conducted for selection to the post of Village Assistant (Thalayari) across the State of Tamil Nadu.

1.1.The procedures for written examination are directed to be prepared and communicated to all the authorities, enabling them to follow the same scrupulously. Such instructions are to be issued by the first respondent, within a period of twelve weeks from the date of receipt of a copy of this order.



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2. The respondents 1 to 4 are directed to fix interview mark at 15 % alone and 85%marks are to be awarded for the written examination and for other criteria, regarding the educational qualification etc., The interview marks are to be restricted to 15%, so as to eliminate the evil concept of favouritism and nepotism in the public appointments.

3. In the event of not following such an established procedures for selection to the post of Village Assistant (Thalayari), the competent higher authorities have to initiate departmental disciplinary proceedings against the authorities, who had conducted such process of selection in violation of the established procedures.”

9. In pursuant to the directions issued by this Court, the Government has passed G.O.(Ms.)No.574, Revenue & Diaster Management, Department dated 17.10.2020, stipulating certain guidelines to be followed for appointment of Village Assistants and it is useful to extract the following portions of the said Government Order, which reads as under:

“3. The Government, after careful examination of the proposal of the Principal Secretary / Commissioner of Revenue Administration and in compliance with the orders of the Hon'ble Madurai Bench of Madras High Court in W.P.(MD)No.19924 of 2013 dated 14.06.2019, directs the Tahsildar concerned shall obtain the approval each and every stage of the selection process of Village Assistants from the District Collector concerned. (From the notification stage upto final appointment stage). The District Collector concerned shall ensure that the entire process of selection is not made on favoritism and nepotism to any of the applicants in the competition with any influence. The entire process of selection of Village Assistant shall be made transparent and the results



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should be published in the websites of the District Collectorates concerned. The Government issues guidelines for the criteria, which is to be followed for the selection of the post of Village Assistant hereafter as detailed below, across the State of Tamil Nadu:

Sl.No.	Criteria for Selection	Marks to be awarded	Aggregate
1	Educational Qualification (As on 1 st July of th year of Recruitment) a) A pass upto 9 th Std b) A pass upto HSC/Diploma/ITI For other Higher Qualifications	5 7 10	10
2	Riding / Driving Skill (As on 1 st July of the year of Recruitment) a) Able to ride bicycle b) Holding Two wheeler licence (live) c) Holding Four Wheeler licence (live)	5 7 10	10
3	Reading and Writing Skill a) Test for Reading Skill (Both Tamil and English) b) Test for Writing Ski (Both Tamil and English)	10 30	40
4	Nativity (to be confirmed with birth certificate and present address proof) : a) Born in the village for which recruitment is made..... b) Born within the Taluk limits (Taluk jurisdiction shall be taken as on date)	25 20	25
	Sub Total		85
5	Interview: Interview shall be conducted by a committee consisting of the	15	15



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Sl.No.	Criteria for Selection	Marks to be awarded	Aggregate
	following three officials; a) Taluk Tahsildar b) Any other Special Tahsildar of the Taluk, viz., Special Tahsildar (SSS) / Settlement / LA / etc or in their absence, any other official nominated by the Tahsildar v) Any Deputy Tahsildar of the Taluk (Each official shall award a maximum of 15 marks to the candidates and the average of the three shall be awarded to the candidate as final marks of interview)		
	Grand Total		100

(If more than one candidates have scored equal marks for one vacancy, then the senior candidate by age must be selected).

4. In case of any deviation from the above established procedure, suitable disciplinary action shall be initiated against all the erring officials, involving violation of the above procedure by the District Collector concerned.”

10. It has been specifically spelt out in the aforesaid Government Order that the District Collector concerned shall ensure that the entire process of selection is not made on favoritism and nepotism to any of the applicants in the competition with any influence. According to the second respondent, after coming to know about the news item published in the newspaper, the Revenue Divisional Officer, Sirkali has submitted a report



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and based on the files, they have verified that the appointment of the petitioners have been done without getting approval from the second respondent/District Collector and therefore, the second respondent/District Collector has passed the impugned order cancelling the appointment of the petitioners.

11. The second respondent has also taken a stand in the counter affidavit that the appointment of the petitioners were selected by the Tahsildars of the respective jurisdiction without getting approval from the District Collector as per G.O.(Ms.)No.574, Revenue and Disaster Management Department dated 17.10.2020 and the Tahsildars have violated the guidelines stipulated in the said Government Order and therefore, disciplinary action is being taken against the Tahsildars by issuing charge memo on the charge they have not obtained prior approval from the District Collector, before appointing the petitioners.

12. On a perusal of the records, it could be seen that the respondents have not conducted any detailed enquiry to establish the fact of favoritism, nepotism or corrupt practice by the Tahsildars to issue posting orders in



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favour of the petitioners. The respondents are unable to produce any substantive material before this Court justifying the action taken for cancelling the appointment orders and they merely allege that prior approval has not been obtained from the District Collector, Mayiladuthurai, without any specific illegality committed by the Tahsildars in appointing the petitioners. A reading of the counter affidavit as well as the charge memo passed against the Tahsildars clearly shows that except the aforesaid reasons, no reasons have been placed before this Court for the allegation of illegal appointment made by the respective Tahsildars.

13. As per Section 53 (3) of the Tamil Nadu Services Manual Volume III pertaining to Tamil Nadu Village Assistants Service, the Taluk Tahsildar having jurisdiction over the village concerned is the competent authority for appointment to the post of Village Assistant and thus, these petitioners have been given appointment by the respective Tahsildars concerned.

14. It is the contention of the petitions that only the Tahsildar is the competent appointing authority under Section 53(3) of the Tamil Nadu Village Assistant Service Rules for appointment of Village Assistants and



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therefore, the power to cancel the appointment is vested only with the Tahsildar and the District Collector is only an approval authority and he has no power to cancel the appointment order made by the Tahsildar. The respondents have not disputed the fact that under the said Act, Tahsildar is the competent authority for appointment of Village Assistant and therefore, in case of violation of Rules, favoritism, nepotism or undue influence in appointment of Village Assistants, competent authority is the Tahsildar to cancel the said appointment order and however, without considering the said provisions of the Act, the District Collector, Mayiladuthurai / second respondent herein has passed the order cancelling the appointment of Village Assistants made by the respective Tahsildars concerned and further, before passing the impugned order of cancellation of appointment, the petitioners were not afforded with any opportunity and therefore, on the ground of violation of principles of natural justice, the impugned orders are liable to be set aside.

15. Before parting with this order, it is to be noted that in the counter affidavit the respondents have alleged favoritism, nepotism and influence in the said appointment orders issued by the respective Tahsildars and therefore,



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the learned Additional Advocate General, on instructions, made a request before this Court that the respondents will conduct detailed enquiry by a competent authority to find out the veracity and genuineness of the said appointments made by the Tahsildars, besides the violation of procedures / guidelines contemplated as per G.O.(Ms.)No.574, Revenue & Disaster Management dated 14.06.2019.

16. In view of the reasons assigned above, these Writ Petitions stands allowed and the impugned order of the second respondent / District Collector, Mayiladuthurai District in Na.Ka.No.482/2021/A5 dated 29.03.2022 is set aside. The respondents are directed to reinstate the petitioners into service in their respective Taluks forthwith and liberty is granted to the second respondent/District Collector to conduct a detailed enquiry on the respective Tahsildars for the aforesaid allegation and to take appropriate decision in accordance with law within the period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes / No
Jvm



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To

1. The Revenue Secretary,
Government of Tamil Nadu,
and Disaster Management Department,
Fort St. George, Chennai-600 009.

2. The District Collector,
Mayiladuthurai,
Mayiladuthurai District.

3. The Tahsildar,
Sirkazhi, Sirkazhi Taluk,
Mayiladuthurai District.



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D.KRISHNAKUMAR. J

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