



WP.No.17598 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.08.2022

CORAM

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

WP.No.17598 of 2018
and W.M.P.No.7987 of 2020

T.Sivan

.. Petitioner

Versus

1.The District Collector,
Thiruvannamalai District.

2.The Tahsildar,
Chengam Taluk,
Thiruvannamalai District.

3.The Revenue Divisional Officer,
Thiruvannamalai.

4.The District Employment Office,
Thiruvannamalai.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the respondents 1 to 3 to consider the petitioner eligibility, priority and seniority under preference orders issued in G.O.Ms.No.1156 Personnel and Administrative Reforms



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Department dated 04.12.1982 to appoint the petitioner as the Village Assistant in any vacant place in Chengam Taluk, Thiruvannamalai District within the time stipulated by this Court.

For Petitioner : Mr.A.Sivaji

For Respondents : Mr.U.M.Ravichandran
Special Government Pleader

ORDER

The prayer sought for herein is for a writ of Mandamus to direct the respondents 1 to 3 to consider the petitioner eligibility, priority and seniority under preference orders issued in G.O.Ms.No.1156 Personnel and Administrative Reforms Department dated 04.12.1982 to appoint the petitioner as the Village Assistant in any vacant place in Chengam Taluk, Thiruvannamalai District within the time stipulated by this Court.

2.The petitioner is an unemployed person, he seeks priority as per G.O.Ms.1156 Personal and Administrative Reforms Department dated 04.12.1982 for appointment of the petitioner as Village Assistant in any vacant place in Chengam Taluk, Thiruvannamalai District.



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WEB COPY 3. Heard the learned counsel appearing for the petitioner, who seeks indulgence of this Court to issue a direction to the respondents.

4. Learned Special Government Pleader appearing for the respondents would submit that though some guidelines have been given in G.O.Ms.No.1156 P & AR Department dated 04.12.1982 to give priority to the elders, i.e. the seniors who registered their name in the employment exchange while sponsoring the names for the jobs that are to be filled up as basic employment, i.e. servant like post, in so far as the post of Village Assistant is concerned it cannot be filled up or appointment can be made from the candidates who are sponsored by the District Employment Exchange belongs to any other Taluk other than the Taluk where the post is going to be filled up. In this regard, the learned Special Government Pleader relies upon G.O.Ms.No.375 Revenue Department dated 19.10.2015 wherein Rule 7 Clause 2(c) makes it clear that the person appointed to the post shall belong to the Taluk to which he is appointed.



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5. Therefore, it is not a matter of right of the petitioner to seek for any such priority based on the seniority in Employment Exchange and automatically his case shall be considered for the post of Village Assistant.

6. I have considered the said submission made by the learned counsel for the parties and perused the materials placed before this Court.

7. Though certain priority has been indicated by way of guidelines in G.O.Ms.No.115 P & AR Department dated 04.12.1982, that is not a hard and fast rule that in each and every appointment only the seniority alone shall be the criteria.

8. Insofar as the post of Village Assistant is concerned, how the post shall be filled up has been given by way of guidelines or mandatory instructions by the Government, especially in G.O.Ms.No.375 Revenue Department dated 19.10.2015 where it is made clear that the person appointed to the post shall belong to the Taluk to which he is appointed. That means, suppose in a particular Taluk, i.e. Chengam Taluk where there



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vacancy in the post of Village Assistant arises in anyone of the Village Panchyat for which names are to be sponsored by the 4th respondent District Employment Office, only those who have registered and belongs to the same Taluk alone shall be sponsored.

9.In view of the aforestated Government Orders, this Court feel that a direction can be given to the 4th respondent alone to take in mind about the import of the Government Orders while sponsoring the names in future for the post of Village Assistant in Panchyat in a particular Taluk among the persons who have registered their names in the Employment Exchange and belongs to the same Taluk alone.

10.Accordingly, this Court is inclined to dispose of this writ petition with the following order:

“That there shall be a direction to the 4th respondent to verify whether the petitioner's name has been registered for the post of Village Assistant which arises in any one of the Panchayat covered under the Chengam Taluk which



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according to the petitioner is his home Taluk and in view of the same, if any such sponsorship is made by the 4th respondent, the seniority of the petitioner can be considered for sponsoring his name and other senior persons as per the line of seniority in the Employment Exchange to the appointing authority for the purpose of consideration of their candidature to the post of Village Assistant in any of the Village comes under the jurisdiction of the Chengam Taluk, Thiruvannamalai District. Except this direction, no other relief can be granted to the petitioner.

9. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Internet : Yes
Index : Yes/No
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R.SURESH KUMAR, J.,

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