



WEB COPY



W.P.No.30570 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.30570 of 2018

V.Raja

.... Petitioner

-Vs-

1.The District Collector
Collectorate, Villupuram.

2.The Tahsildar
Gingee Taluk
Villupuram District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to consider the application of the petitioner dated 30.04.2018 for the post of Village Assistant in the light of G.O.Ms.No.188 P and AR (PR) Department dated 28.12.76 and appoint the petitioner as Village Assistant in the existing vacancies, award costs.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.R.Neethiperumal
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Mandamus to direct the respondents to consider the application of the petitioner dated 30.04.2018 for the post of Village Assistant in the light of G.O.Ms.No.188 P and AR (PR) Department



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dated 28.12.76 and appoint the petitioner as Village Assistant in the existing vacancies.

2. The respondent Department called for applications to fill up the post of Village Assistant in Gingee Taluk at Villupuram District sometime in 2018. The petitioner also applied for such post, pursuant to which, along with others the petitioner also was called for interview. He attended the interview and thereafter, according to the petitioner, out of 8 posts which were vacant at various villages, only 6 posts were filled up and remaining two posts were not filled up. For the remaining vacant posts since the petitioner is the most suitable candidate, his candidature can be considered for appointment to the post of Village Assistant and hence seeking such prayer by way of Mandamus, this writ petition came to be filed.

3. Reiterating the aforesaid, the learned counsel for the petitioner would submit that, though vacancies had arisen in respect of eight villages, only six posts according to the petitioner's knowledge have been filled up and the remaining two vacancies is still there in the same Taluk. Therefore, for such vacancies when there is no other suitable candidate, the petitioner's candidature can be considered and appointment can be given. Hence, the learned counsel for the petitioner seeks the indulgence of this Court to issue appropriate direction.

4. However, Mr.R.Neethiperumal, learned Government Advocate appearing for



the respondents would submit that, all the eight vacancies for which interview was conducted and the posts were filled up with suitable candidates and that means the petitioner is not that much suitable candidate for consideration of appointment and the statement made by the petitioner in this regard that 2 out of 8 vacancies are still not filled up, is not correct and in support of his contention, he relies upon the following averments in the counter affidavit filed by the second respondent, which reads thus,

“ 4. I respectfully submit that the petitioner attended interview for the post of Village Assistant for Mazhavanthangal Village, Gingee Taluk on 13.09.2013 which was allotted for Scheduled Tribe / Non Priority / General. He was not selected for the post of Village Assistant, Mazhavanthangal Village because he was far away from his residence to Mazhavanthangal Village. Hence, a suitable candidate was selected in least distance to Mazhavanthangal Village.

5. I respectfully submit that the petitioner again attended interview for the post of Village Assistant on 26.10.2015. Interview was conducted for 8 vacancies and all the 8 vacancies were filled up with suitable candidates. Whereas the petitioner stated that interview was called for 8 vacancies and 2 vacancies remaining unfulfilled till date. Moreover he said that two posts were reserved for Scheduled Caste and Scheduled Tribe. But, no vacancy for Scheduled Tribes out of 8 vacancies as per the roaster. On that occasion, petitioner was considered as a General Turn Candidate and he was not recruited because other candidates are eligible than petitioner. Moreover petitioner in his petition was not challenged the



appointment of recruited persons but he said that still 2 vacancies are remaining and asked to recruit him in that place. It is not true. All the 8 vacancies in the said post were filled up with suitable candidates and no post was vacant as said by the petitioner.

6. I respectfully submit that thereafter the post of Village Assistant was not filled up in this Taluk so far. Whenever the post of Village Assistant is called for in future, the petitioner has all right to apply for the same and on merits his application will be considered for the post of Village Assistant.”

5. Hence, the learned Government Advocate appearing for the respondents would submit that, thereafter there was no attempt made by the respondents to fill up any vacancies in the said Taluk and in future, if any vacancies arise in the same Taluk, certainly applications would be called for from eligible candidates, where if the petitioner is considered to be eligible, he can also apply and his application will be considered and decided on merits.

6. I have considered the submissions made by the learned counsel on either side and have perused the materials placed on record.

7. As has been averred in the counter affidavit of the second respondent which



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has been quoted herein above, the eight vacancies for which applications were called for and interview was conducted for candidates including the petitioner, since have been filled up and no other vacancies are available as of now in the said Taluk and in future whenever vacancies arise and applications are called for, it is open for the petitioner to file his application and participate in the selection process. Having regard to the said stand taken by the respondent counsel, this Court feels that the prayer which is omnibus in nature cannot be granted except to make an observation that it is open to the petitioner to participate in the future selection process as stated in Para 6 of the counter affidavit.

8. In that view of the matter, since the prayer sought for in the writ petition is not feasible to be granted, the same is rejected. Accordingly, the writ petition is dismissed. No costs. However, it is open to the petitioner to participate in the future selection process for the post of Village Assistant in the said Taluk viz., Gingee Taluk, Villupuram District, where if notification is issued and applications are called for from eligible candidates.

04.08.2022

Index : Yes/No
Internet : Yes/No
KST

R. SURESH KUMAR, J.

KST

To



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