



W.P.(MD)No.2658 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2658 of 2020

and

W.M.P.(MD)Nos.2291 and 2292 of 2020

- 1.M.Suriyamoorthi
- 2.Veerapathiran
- 3.P.Seeniraj
- 4.R.Ibrahim
- 5.K.Kalimuthu
- 6.A.Murugan
- 7.D.Karuppusamy
- 8.K.Sivaraman
- 9.A.Deivakani
- 10.G.Naga Selvarajan
- 11.V.Sundari
- 12.K.Suresh

... Petitioners

Vs.

1. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Office of the Revenue Administration and Disaster Management,
Chepauk, Chennai.
- 2.The District Collector,
Virudhunagar District,
Virudhunagar.



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3. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 1st respondent in his proceedings Na.Ka.Pani.5(4)/15666/2019 dated 06.07.2019 and quash the same insofar as the Virudhunagar District, promotion alone on the ground that the same is arbitrary, illegal and without jurisdiction consequently directing the respondents to provide the post of Village Administrative Officer Post from the year 2014 to 2020 as per G.O.Ms.No.570, (Revenue (Pani 8(1)) Department dated 26.12.2014 and other connected Government orders.

For Petitioner : Mr.S.Karthik

For Respondents : Mr.K.Christy Theboral
Additional Government Pleader



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ORDER

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This Writ Petition has been filed to call for the records pertaining to the impugned order passed by the 1st respondent in proceedings Na.Ka.Pani.5(4)/15666/2019 dated 06.07.2019, quash the same insofar as the promotion in Virudhunagar District on the ground that the same is arbitrary, illegal and without jurisdiction and to direct the respondents to provide the post of Village Administrative Officer from the year 2014 to 2020 as per G.O.Ms.No.570, (Revenue (Pani 8(1)) Department dated 26.12.2014 and other connected Government orders.

2. The case of the petitioners is that they have completed 10th Standard and were appointed as Village Assistant by the Tahsildar, Aruppukkottai, Virudhunagar District, in the year 2007. Their services were regularized and they were granted Selection Grade, after completion of 10 years of service. As per G.O.(Ms).No.570, Revenue Department (Service), dated 26.12.2014, the Village Assistant who has passed 10th standard and completed 10 years of service, is to be promoted to the post of the Village



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Administrative Officer. While so, 20% of the vacancy arose in the post of Village Administrative Officer. Though the petitioners have completed 10 years of service, they were not given promotion in terms of the said Government Order. In order to ascertain the vacancies, the petitioners made application under the Right to Information Act. Pursuant to the same, the Public Information Officer has furnished the information to the petitioners in which, it was stated that in Virudhunagar District, 31 vacancies are available. Even then, the petitioners were not promoted to the post of the Village Administrative Officer which is not sustainable one. Hence, challenging the order passed by the first respondent, the present writ petition has been filed.

3. The learned counsel for the petitioners would submit that the Public Information Officer has given a statement that 31 vacancies were available in Virudhunagar District. However, in the impugned order, the first respondent has stated that two posts were available in Virudhunagar District which is contrary to the information furnished by the Public Information Officer. Hence, the impugned order of the first respondent needs to be



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interfered with.
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4. The learned Additional Government Pleader appearing for the respondents would submit that for the year 2019-2020, only two vacancies were available in Virudhunagar District. However, filing the writ petition based on the information furnished by the Public Information Officer is not sustainable one. Hence, she prays for dismissal of the present writ petition.

5. The facts in the present case are not in dispute. Admittedly, the petitioners were appointed as Village Assistant in the year 2007 and their services were regularized. In the year 2017, they were granted Selection Grade after completion of 10 years of service. However, the petitioners were not considered for promotion to the post of Village Administrative Officer. The present writ petition is filed solely on the basis of the information furnished by the Public Information Officer.

6. This Court perused the information furnished by the Public Information Officer as well as the impugned order passed by the 1st



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respondent including the counter affidavit filed by the respondents.

However, all the three are contrary to each other and without ascertaining the real position, on assumption, the present writ petition has been filed. The information furnished by the Public Information Officer and the impugned list issued by the respondents are contrary to the counter affidavit filed by the respondents. Hence, this Court directs the District Collector concerned to furnish the entire list or the details of the vacancy for the year 2019-2020 to the petitioners and verify whether the petitioners are entitled for promotion to the post of Village Administrative Officer for the year 2019-2020 within a period of 12 weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of. No costs.

Connected miscellaneous petitions are closed.

12.12.2022

Index : Yes / No

Speaking Order : Yes / No

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M.DHANDAPANI,J.

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