



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.4254 of 2021

Sakkammal

... Petitioner

Vs.

1. The Secretary to Government,
Home Department,
St.George Fort,
Chennai - 600 009.
2. The District Collector,
Virudhunagar District,
Virudhunagar.
3. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
4. The Revenue Divisional Officer,
Sattur Division,
Virudhunagar District.
5. The Tahsildar,
Rajapalayam Taluk Office,
Rajapalayam,
Virudhunagar District.
6. The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.
7. Pandiyan
8. Azhaguraja

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 5 to take appropriate action against the seventh and eighth respondents and remove them from the post of Village Assistants, by considering the petitioner's representation dated 11.02.2020 and consequently appoint the petitioner as Village Assistant in her Kothankulam Village

(Amended vide order dated 25.04.2022 in W.M.P. (MD) No. 5820 of 2022 in W.P. (MD) No. 4254 of 2021 by SMSJ)

<https://hcservices.ecourts.gov.in/hcservices/>



For Petitioner : Mr.M.Solaisamy
For Respondent : Mr.A.K.Manikkam
Special Government Pleader for R1 to R6
No appearance for R7 and R8

O R D E R

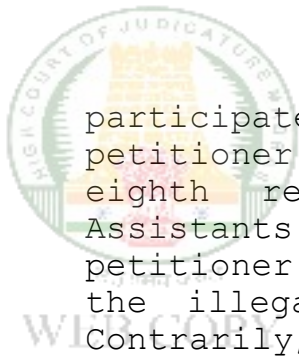
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The Writ Petition is filed directing the respondents 1 to 5 to take appropriate action against the seventh and eighth respondents and remove them from the post of Village Assistants, by considering the petitioner's representation dated 11.02.2020 and consequently appoint the petitioner as Village Assistant in her Kothankulam Village.

2.Such a direction sought for is absurd and an aggrieved person is entitled to challenge if irregular appointments are made. While challenging such appointment order, the petitioner has to establish the illegality or otherwise for the purpose of grant of relief. However, the present Writ Petition has been filed for a direction to initiate action against the seventh and eighth respondents. Interestingly, the Inspector of Police, Tahsildar, Superintendent of Police and the officials, who are no way connected with the appointment of seventh and eighth respondents as Village Assistants, have been impleaded unnecessarily in the Writ Petition. Further, the Principal Secretary to Home Department has been impleaded. Filing a Writ Petition by impleading all such unnecessary parties would certainly cause inconvenience to the Public Authorities and further more, it involves public expenditure. That is the exact reason why the Courts are awarding cost in such Writ Petition. By impleading such unnecessary parties, the officials are bound to respond as the Writ Petition is admitted. Therefore, in such circumstances, the Courts have to take serious view of the conduct of the parties in impleading such unnecessary officials as respondents and seeking relief in an inappropriate manner.

3.The seventh and eighth respondents were appointed as Village Assistants and the petitioner is also participated in the process of selection. She was unsuccessful in the selection and if at all any grievance exists for the petitioner, she would have initiated appropriate action in the manner known to law. In the present case, she has not even challenged the appointment orders of the seventh and eighth respondents. Contrarily, she seeks the relief of direction to take action against the seventh and eighth respondents and remove them from the post of Village Assistants. Such a relief cannot be granted.

4.The petitioner states that the seventh and eighth respondents created forged documents and appointed as Village Assistants. In this regard, the learned Special Government Pleader made a submission that pursuant to the complaint given by the petitioner, an enquiry was conducted and the petitioner is also



participated in the process of enquiry. During enquiry, the petitioner had not raised any such allegations. The seventh and eighth respondents were appointed on 12.04.2012 as Village Assistants and the enquiry was conducted in the year 2015. When the petitioner participated in the enquiry, she should have established the illegality or irregularity before the Competent Authority. Contrarily, she has not raised allegations, which are all raised in the present Writ Petition. Once an enquiry has been conducted, pursuant to the complaint given by the petitioner and during enquiry, the petitioner has not established any illegality or irregularity in the matter of appointment, she has no locus to file the present Writ Petition seeking a direction to remove the seventh and eighth respondents from the post of Village Assistants. The petitioner has unnecessarily impleaded many respondents and caused inconvenience to those authorities. However, taking a lenient view, the petitioner is expected not to indulge in such activities or file such Writ Petition in a whimsical manner in future and in the event of filing any such Writ Petition in such manner, exemplary cost is to be awarded.

5. With these observations, this Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Secretary to Government,
Home Department,
St. George Fort,
Chennai - 600 009.
2. The District Collector,
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3. The Superintendent of Police,
Virudhunagar District,
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4. The Revenue Divisional Officer,
Sattur Division,
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5. The Tahsildar,
Rajapalayam Taluk Office,
Rajapalayam,
Virudhunagar District.

6. The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.

+1 CC to M/s.SPL.GP. (SR-21298[F] dated 26/04/2022)

W.P.(MD) No.4254 of 2021
25.04.2022

RS (01.06.2022) 4P/8C