



W.P(MD)No.8789 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8789 of 2022
and
W.M.P(MD)No.6403 of 2022

V.Kumaresan

... Petitioner

Vs

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the second respondent's impugned paper publication dated 21.03.2022 inviting application for the post of village assistants and to direct the second respondent to cancel the current selection process and to give a fresh paper publication by including the Kullalagundu revenue village also and by prescribing the actual qualifications under Rule 7(c) of the Tamil Nadu Village Assistant Service Rules and amended by G.O(Ms)No.375 dated 19.10.2015 and to consider the petitioner's previous application dated 22.10.2020 applied for



W.P(MD)No.8789 of 2022

2020 Selection process in Na.Ka.No.431/2020/அ2 dated 07.10.2020 for the very same postings in respect of which W.P(MD)No.2033 of 2022 is presently pending before this Court.

For Petitioner : Mr.V.Santhakumaresan
For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. By notification dated 07.10.2020, the Tahsildar Nilakottai called for applications from eligible candidates for filling up vacancies in the post of Village Assistant in as many as eight villages. The petitioner is an aspirant for the said post for the village of Kullalakundu. The said notification was quashed by this Court in writ proceedings. Thereafter, a fresh notification was issued by Tahsildar, Nilakottai on 21.03.2022 calling for applications for the said post in respect of nine villages. However, Kullalakundu is not one of the villages for which applications had been invited. Aggrieved by the omission of his village, the writ petitioner has been filed this writ petition. He seeks two reliefs. He wants this Court to direct the respondents to issue a fresh notification for filling up the vacancies in the post of Village Assistant in Kullalakundu revenue village. He also wants the application given by him in response to the notification dated 07.10.2020 to be taken into account.



W.P(MD)No.8789 of 2022

3. As rightly pointed out by the learned Special Government Pleader such reliefs cannot be granted by the writ Court. Whether to fill up the vacancy in the post of Village Assistant and when to fill up are matters that are left to the decision of the executive. It is not for the writ Court to issue positive direction in that regard. That apart, the eligibility of the writ petitioner will be determined with reference to the date of the notification. As and when such a notification is issued, the writ petitioner is at liberty to apply and his eligibility will be determined only with reference to the date of the notification that has to be issued. The application given by the writ petitioner in response to the notification dated 07.10.2020 has since lapsed, it cannot be given any fresh life. The prayer made by the writ petitioner is bereft of any merit.

4. This writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

28.10.2022

Index : Yes / No
Internet : Yes/ No
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To

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W.P(MD)No.8789 of 2022

G.R.SWAMINATHAN, J.

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2.The Tahsildar,
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W.P(MD)No.8789 of 2022

28.10.2022