



W.P.(MD)No.18539 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.18539 of 2016

and

W.M.P(MD).No.13426 of 2016

A.Suresh
S/o.M.Andiyappan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Usilampatti Division,
Madurai District.

2.The Tahsildar,
Usilampatti Taluk,
Usilampatti,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first respondent i.e., the Revenue Divisional Officer, Usilampatti to pass appropriate orders on the proposals sent by the second respondent i.e., the Tahsildar, Usilampatti in his R.C.No.8786/2013/A1 dated 29.07.2015 for filling the post of Village



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Assistant of Ayyanarkulam Village, Usilampatti Taluk, Usilampatti within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the first respondent to pass appropriate orders on the proposals sent by the second respondent in his R.C.No.8786/2013/A1 dated 29.07.2015 for filling the post of Village Assistant of Ayyanarkulam Village, Usilampatti Taluk, Usilampatti within a specified time.

2. The learned counsel for the petitioner submitted that the petitioner is a B.Com., graduate and he belongs to Scheduled Caste. He applied for the post of Village Assistant as per the advertisement dated 15.07.2015. He attended the interview on 29.07.2015 and he has secured the highest mark of 49. The Tahsildar, Usilampatti Taluk, sent a proposal to the Revenue Divisional Officer, Usilampatti and recommended the petitioner



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for appointment as Village Assistant in Ayyanarkulam Village, as per his proceedings in R.C.No.8786/2013/A1 dated 29.07.2015 and till now, the Revenue Divisional Officer, Usilampatti has not declared his appointment and therefore, this Writ Petition is filed.

3. It is further submitted that as per the G.O.(Ms).No.521, Revenue (Service VII (2) Department) dated 17.06.1998, the Tahsildar is the appointing authority for appointing Village Assistant and this position was reiterated in G.O.(Ms).No.787, Revenue (Service 7(1)) Department, dated 06.12.2006, of course, with the instruction that when the Village Assistant is selected in large numbers, the final list of selected candidates should be released only with the concurrence of the Revenue Divisional Officer concerned. Again in G.O.(Ms).No.155, Revenue (Service 8(1)) Department, dated 26.03.2010, appointment for Village Assistant on compassionate ground, it was reiterated that the Tahsildar is the appointing authority.

4. In the case before the hand, the advertisement was issued for filling up one post of Village Assistant. Therefore, it is not necessary for the



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Thasildar to forward the selection list to the Revenue Divisional Officer for his approval. However, he wrongly forwarded the list, resulting in the delay in passing the order of appointment to the petitioner.

5. Per contra, Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents submitted that the Revenue Divisional Officer sent a letter in Na.Ka.No.5205/2014/A, dated 20.10.2015, directing the Thasildar to reply for his queries with regard to the proposal forwarded by him on 03.11.2015. The Tahsildar had replied for the queries. Subsequently, by his communication in Na.Ka.No.8786/13/A1, dated 03.11.2015, he had cancelled the proposals for selection for the post of Village Assistant. Now, the fresh advertisement dated 07.09.2016, was issued for selection. The cancellation was done as per the guidelines issued in G.O.(Ms).No.521 Revenue (Service VII(2)) Department, dated 17.06.1998 and G.O.(Ms).No.787, Revenue (Ser 7(1) Department), dated 06.12.2006.



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6. The petitioner was the resident of Usilampatti Town, but the vacancy is around at Chellampatti Town and there is no reason given by Tashildar for rejecting the proposal. The learned Special Government Pleader appearing for the respondents submitted that the selection was cancelled and fresh advertisement was issued for calling for the application for the appointment of Village Assistant.

7. In reply to the submission, the learned counsel for the petitioner submitted that the alleged cancellation of the selection of the petitioner was not intimated to the petitioner. The petitioner has sought for information under the RTI Act through his application dated 25.02.2016 with regard to the selection of candidates for the posts of Village Assistant of Ayyanarkulam Village. To this query, a reply was sent in the month of March 2006 in Na.Ka.No.1755/2016/A1, stating that no decision was taken on his file regarding the appointment of Village Assistant in Ayyanarkulam Village and therefore, no information would be provided in the pending file. He would further submit that the petitioner has sent another application under the RTI Act, dated 21.11.2016, seeking information with regard to the



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selection to the Posts of Village Assistant in Ayyanarkulam Village and especially, with regard to the reply made in the counter. In answer to this query, it was replied that Writ Petition in W.P(MD).No.18539 of 2016 is pending in connection with selection and therefore, any information would be provided after the disposal of the said writ petition and also informed that the file is still pending and no information with regard to the pending file would be given.

8. I have considered the rival submissions made by the learned counsel appearing for the parties and perused the materials placed before this Court.

9. From the narration of the above facts, it is not in dispute that the petitioner was selected for appointment as Village Assistant in Ayyanarkulam Village. The Tahsildar is the appointing authority and he selected the petitioner. When the Village Assistants are selected in large numbers, the final list of selected candidates should be released only with the concurrence of the Revenue Divisional Officer concerned. In the case



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before the hand, the recommendation for appointment was made only in respect of one post. Unfortunately, it is wrong on part of the Tahsildar to send the proposal for appointing the petitioner to the post of Village Assistant in Ayyanarkulam Village to the Revenue Divisional Officer.

10. It appears that the Revenue Divisional Officer raised some questions to the Tahsildar and he *suo motu* said to have cancelled the selection and issued a fresh advertisement. The cancellation was not intimated to the petitioner. We have also seen that under the RTI Act, the petitioner was informed that no decision was taken on his appointment and the file is still pending.

11. The claim of the second respondent/Tahsildar that he cancelled the selection of the petitioner in September 2016, cannot be accepted. The petitioner was selected after following due procedure and legitimate expectation of appointment to the posts is justified. The cancellation, even if it is true as claimed by the second respondent, is not valid and in accordance with law. Therefore, the second respondent is



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directed to issue order of appointment to the petitioner, on the basis of the selection to the post of the Village Assistants in Ayyanarkulam Village held earlier, within a period of three months from the date of receipt of copy of this order.

12. With the above directions, this Writ Petition is allowed. No Costs. Consequently, the connected Miscellaneous Petition is closed.

24.08.2022

Index : Yes / No
Speaking Order : Yes / No
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To

1.The Revenue Divisional Officer,
Usilampatti Division,



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Madurai District.
2.The Tahsildar,
Usilampatti Taluk,
Usilampatti,
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G.CHANDRASEKHARAN, J.

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