



W.A.(MD)No.1477 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A.(MD)No.1477 of 2022

Sakkammal

... Appellant / Petitioner

-Vs-

1.The Secretary to Government,
Home Department,
St.George Fort, Chennai-09.

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

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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 / Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 25.04.2022 made in W.P.(MD)No.4254 of 2021 on the file of this Court.

For Appellant : Mr.M.Solaisamy

For R1, 2, 4 & 5 : Mr.M.Sarangan,
Government Advocate

For R3 & R6 : Mr.G.Manikandan
Government Advocate (Crl.Side)

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JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

This Writ Appeal is directed against the order of this Court dated 25.04.2022 made in W.P.(MD)No.4254 of 2021.

2.The appellant / petitioner filed the aforesaid Writ Petition for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to take appropriate action against the respondents 7 and 8 and remove them from the post of Village Assistant, by considering the petitioner's representation dated 11.02.2020.

3.The case of the appellant / petitioner is that she is fully qualified to apply for the post of Village Assistant and she and other candidates had appeared for the interview, however, six persons were only selected for the post of Village Assistant. It is the specific allegation of the petitioner that one of the conditions prescribed for the appointment to the post of Village Assistant that the candidate is able to ride a bicycle, has not been satisfied by the respondents 7 and 8 and

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they are not able to ride a bicycle. Admittedly, the respondents 7 and 8 selected and appointed in the aforesaid post in the year 2012 itself. Since the petitioner has not having the appointment order issued in favour of the respondents 7 and 8 at that time, after receiving the same through RTI, he filed the Writ Petition, hence, there was a delay in approaching this Court. However, considering the submissions made by either side, the Writ Court has dismissed the Writ Petition.

4.Per contra, the learned Government Advocate for the respondents 1, 2, 4 and 5 submitted that the appellant / petitioner has approached this Court belatedly and there is no satisfactory explanation for the delay in approaching this Court. Further, the Writ Court has rightly rejected the claim of the petitioner by stating that the petitioner has not challenged the appointment order issued in favour of the respondents 7 and 8. Further, there is no relevant material placed before this Court to *prima facie* establish that the respondents 7 and 8 are not eligible for the appointment to the post of Village Assistant.

5.Heard both sides and perused the materials on record.

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6.The aforesaid fact has not been disputed by the parties concerned.

The prayer sought for in the Writ Petition is to consider the representation of the petitioner dated 11.02.2020 at the belated stage of 8 years from the appointment of the respondents 7 and 8 in the aforesaid post. Though the appellant received the appointment order issued in favour of the respondents 7 and 8, he has not challenged the same in the Writ Petition. Therefore, the Writ Court has rightly come to the conclusion that the relief cannot be granted. Apart from that the appellant has not placed any material to show that the respondents 7 and 8 are not qualified for the appointment to the post of Village Assistant on the ground that the respondents 7 and 8 are the disabled persons. Therefore, in the absence of any valid materials to consider the claim of the appellant and also considering the fact that without challenging the appointment order, the appellant filed the Writ Petition, we are not inclined to entertain this Writ Appeal as there is no merit in the Writ Appeal. Hence, this Writ Appeal stands dismissed. No costs.

[D.K.K., J.] & [R.V., J.]
08.12.2022

Index : Yes / No

Internet : Yes / No

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