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W.P.Nos.2278, 2287 & 2291 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.2278, 2287 & 2291 of 2023 &

WMP.Nos.2354, 2356, 2358, 2361, 2364 & 2365 of 2023

S.Prema	... Petitioner in W.P.No. 2278 of 2023
S.Suriyalakshmi	... Petitioner in W.P.No. 2287 of 2023
K.Mahalakshmi	... Petitioner in W.P.No. 2291 of 2023

Vs

1. The Tahsildar, Madurantagam Taluk, Madurantagam, Chengalpet District.	... 1 st Respondent in all WPs
2. Chandrasekar	... 2 nd Respondent in W.P.No.2278 of 2023
3. Arunraj	... 2 nd Respondent in W.P.No.2287 of 2023
4. Sakthivel	.. 2 nd Respondent in W.P.No.2291 of 2023



W.P.Nos.2278, 2287 & 2291 of 2023

Prayer:- Writ Petitions filed under the Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned proceedings dated 13.01.2023 in Ref. Na.Ka.No.4409/2022/A7 on the file of the first respondent herein, quash the same in so far as it relates to the appointment of the second respondent in the post of Village Assistant of Rajapalayam, Kil Athivakkam Village and Velliampakkam Village respectively, are concerned, which is more fully stated in Serial Nos.12, 3 and 4 of the said impugned proceedings.

For Petitioner : Mr.Govi Ganesan in all WPs

For Respondents : Mr.S.Rajesh
Government Advocate – R1 in all WPs

Ms.V.Srimathi – R2 in all WPs

COMMON ORDER

These Writ Petitions have been filed to quash impugned proceedings dated 13.01.2023 in Ref. Na.Ka.No.4409/2022/A7 on the file of the first respondent herein in so far as it relates to the appointment of the second respondent in the post of Village Assistant of Rajapalayam, Kil Athivakkam Village and Velliampakkam Village respectively, are concerned, which is more fully stated in Serial Nos.12, 3 and 4 respectively of the said impugned proceedings.



W.P.Nos.2278, 2287 & 2291 of 2023

WEB COPY

2. It is the case of the writ petitioners that applications have been called for the post of Village Assistants which was specifically reserved for women. It is their further contention that the said areas were specifically reserved for women. Therefore, they have submitted their applications and after verifying their credentials, they have been called for the interview held on 06.01.2023. However, despite the fact that the post has been reserved for women, the second respondent has been appointed as the Village Assistants. Hence, challenging the same, these Writ Petitions have been filed.

3. The first respondent filed counter stating that the District Administration has permitted to fill up 18 vacancies of Village Assistants in Madurantakam Taluk which are vacant for less than three years. After reserving six vacancies for appointment under compassionate grounds, 18 vacancies had to be filled up through the recruitment process as as per the circular No.12421 /2020 dated 07.10.2022. Communal rotation Order passed for 200 turns as per G.O.Ms.No.55, P & A R [5] Department dated 08.04.2010 was duly followed for 18 vacancies and the communal rotation vacancies commenced from Sl.No.80 to 97 and the notification comprising



W.P.Nos.2278, 2287 & 2291 of 2023

the list of vacancies was published in the Tamil daily as per the notification approved by the first respondent in RC.No.4489/2022 A7, dated 10.10.2020 as detailed below :

S.No.	Communal rotation No.	Communal Rotation	Reservation	Priority/ Non priority
1.	80	Backward Class [non Muslim]	--	Priority
2.	81	General	Women	Non Priority
3.	82	Adi - Dravidar	--	Non Priority
4.	83	Most Backward Classes / DNC	--	Non Priority
5.	84	Backward Classes[Non Muslim]	Women	Non Priority
6.	85	General	--	Priority
7.	86	Adi-Dravidar	--	Non Priority
8.	87	Mos Backward Classes/DNC	--	Non Priority
9.	88	Backward Classes[Non Muslim]	--	Non Priority
10.	89	General	--	Non Priority
11.	90	Backward Classes[Non Muslim]	--	Non Priority
12.	91	General	--	Non Priority
13.	92	Adi - Dravidar	Women	Non Priority
14.	93	Most Backward Classes / DNC	Women	Non Priority
15.	94	Backward Classes[Non Muslim]	Women	Non Priority
16.	95	General	Women	Non Priority
17.	96	Most Backward Classes / DNC	--	Non Priority
18.	97	Backward Classes [Non Muslim]	--	Priority

Hence, it is their contention that the appointment was made only on the basis of communal rotation and the area earmarked for the persons.



W.P.Nos.2278, 2287 & 2291 of 2023

WEB COPY

4. The second respondent in W.P.No.2287 of 2023 filed a similar counter stating that application for appointment of 24 vacancies in total of which 6 vacancies [25%] was reserved for compassionate appointment and the remaining vacancies would be filled by way of communal rotation and the application would indicate that the appointment was to happen on communal rotation and of the 18 vacancies, 6 posts were allotted to women as detailed below :

S.No.	Communal Rotation	Reservation	Appointment
i.	80. Backward class [Non-Muslim]	--	Tamilarasi
ii.	81 General	Women	Malar
iii.	82. Adi Dravidar	--	Arunraj [R2 in W.P.No.2287 of 2023]
iv.	83 Most Backward Class/DNC	--	Shakthivel [Re in W.P.No.2291/2023]
v.	84. Backward Class [Non Muslim]	Women	Selvanayagi
vi.	85. General	--	Aruldas
vii.	86. Adi Dravidar	--	Rakesh
viii.	87. Most Backward Class/DNC	--	Ajith Kumar
ix.	88. Backward Class [Non Muslim]	--	Gopinath
x.	89. General	--	Gokul
xi.	90. Backward Class [Non Muslim]	--	Govardhanan
xii.	91 General	--	Chandrasekar [R2 in W.P.No.2278/2023]
xiii.	92. Adi Dravidar	Women	Kalaivaani



W.P.Nos.2278, 2287 & 2291 of 2023

S.No.	Communal Rotation	Reservation	Appointment
xiv.	93. Most Backward Class / DNC	Women	Divya
xv.	94. Backward Class [Non Muslim]	Women	Amudharani
xvi.	95.General	Women	Iniyasanthi
xvii.	96. Most Backward Class/DNC	--	Rajalakshmi
xviii.	97. Backward Class [Non Muslim]	--	Krishnakumar

Hence, it is his contention that the reservation was based on the communal rotation and the same has been followed without any breach and in fact the writ petitioner has associated the serial number in the application to the corresponding village as indicated in the first page of the proceedings in Na.Ka.4409/2022/A7 dated 10.10.2022. Hence, seeks to dismiss the Writ Petitions.

5. I have perused entire materials. The learned counsel appearing for the petitioner contended that in the advertisement, serial number has been given. Whereas, the appointment has been made contrary to the advertisement and male member has been appointed as Village Assistants, though the same has been earmarked for women. It is the contention of the respondent that though the petitioner has taken a serial number according



W.P.Nos.2278, 2287 & 2291 of 2023

WEB COPY

to the corresponding village as indicated in the proceedings in 4409/22 A7 dated 10.07.2022, the petitioners infact failed to see the serial number corresponding to the communal rotation. Hence, submitted that the entire proceedings have been conducted as per the communal rotation.

6. A perusal of the records and communal rotation list produced by the respondents, the same clearly show that the serial number is separately given wherein it has been earmarked for various categories. The petitioners have associated serial numbers to the correspondent village, infact same is not correct. The communal rotation mentioned in para 4 of the counter filed by the respondents make it very clear that communal rotation is assigned different number. As per the proceedings in Na.Ka.4409/2022/A7 dated 10.10.2022, serial Nos.81, 84, 92, 93, 94 and 95 were reserved for women and in those vacancies, women have been appointed. Therefore, the Writ Petitions have been filed on misconception of facts that communal serial number corresponds to village. Whereas, serial number is as per communal rotation and the same has not been taken note by the writ petitioners. Hence, there is no merit in these Writ Petitions.



W.P.Nos.2278, 2287 & 2291 of 2023

7. Accordingly, these Writ Petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

18.07.2023

Index: Yes/No

Neutral Citation : Yes/No

vrc

To,

The Tahsildar,
Madurantagam Taluk,
Madurantagam, Chengalpet District.



WEB COPY



W.P.Nos.2278, 2287 & 2291 of 2023

N.SATHISH KUMAR, J.

VTC

WP.Nos.2278, 2287 & 2291 of 2023

18.07.2023