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W.P.No.3020 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.3020 of 2023
and W.M.P.Nos.3119 & 3121 of 2023

G. Sivasuriyan

... Petitioner

Vs.

1.The District Collector,
Thiruvarur District.

2.The District Revenue Officer,
Collector Office,
Thiruvarur District.

3.The Tahsildar,
Taluk Office,
Valangaiman Taluk,
Thiruvarur District.

4.K. Murali

5.G. Sakthi

6.M. Gurunathan

7.B. Rajkumar

8. R. Pandiyarajan

9.K. Abhishek

10.S. Arul Jothi

11.S. Iyyappan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent's proceedings in Na.Ka.No.270/2018/A7 dated 25.01.2023 and to quash the same as illegal insofar as the appointment of 4th respondent herein (Registration No.28120246315, resident of Keezha Nallambur, Ramnagar) as Village Assistant for No.38, Alangudi Village is concerned; consequently, direct the 1st to 3rd respondents herein to appoint anyone of the candidates meeting the eligibility criteria and who have applied from No.38, Alangudi Village namely, from among the petitioner and 5th to 11th respondents, as Village Assistant of Alangudi Village in accordance with the terms prescribed in the 3rd respondent's Notification dated 09.10.2022.

For Petitioner : Mr.S. Sathiaselvan

For Respondents : Mr.P. Baladhandayutham,
Special Government Pleader [R1 to R3]

No appearance – R4 to R11

ORDER

Heard the learned counsel for the petitioner, as well as the learned Special Government Pleader, appearing for the respondents 1 to 3.



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2. The petitioner herein is an unsuccessful candidate, who has participated in the examination of Village Assistant for No.38, Alangudi Village. Along with the petitioner, respondents 4 to 11 had also participated, out of which, the fourth respondent was selected as Village Assistant. The petitioner now challenges the appointment of the fourth respondent with a consequential prayer to appoint the other candidates, who hail from No.38, Alangudi Village.

3. According to the learned counsel for the petitioner, the fourth respondent does not hail from Alangudi Village and therefore, he is not entitled for selection.

4. The guidelines for selection to the post of Village Assistant has been prescribed as per the Government Order in G.O.Ms.No.574, Revenue and Disaster Management Department, dated 17.10.2020. Since the selection process was conducted in the year 2022, the first respondent herein is governed by G.O.Ms.No.574 dated 17.10.2020.



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5. Learned counsel for the petitioner placed reliance on the decisions of this Court in the cases of '**Dr.M. Vennila Vs. Tamil Nadu Public Service Commission**' reported in '**2006 (3) CTC 449**' and '**J. Jamuna Vs. The District Collector & others**' passed in '**WP.No.16950 of 2019 on 10.12.2019**'. Apparently, both the decisions are being pronounced prior to G.O.Ms.No.574 dated 17.10.2020. Therefore, these decisions will not be applicable to the present selection, which is based on the guidelines given in G.O.Ms.No.574 dated 17.10.2020.

6. As per the selection process adopted, whenever a post of Village Assistant is notified for filling up the vacancy, the Appointing Authority is required to select candidates from the same Village, from which the vacancy arose. When no suitable candidate is found eligible, the appointment shall be made from any of the nearby village and even when no suitable candidate is found in the nearby village, the selection can be made from any of the village of the Taluk where the vacancy arose. The marks to be secured have been stipulated in the Government Order under various heads namely educational qualification, riding/driving skill, reading and writing skill,



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nativity and interview. The marks obtained by the petitioner and the fourth respondent are as follows:-

<i>S.No.</i>	<i>Name</i>		<i>Edn. Qfn.</i>	<i>Driving Skill</i>	<i>Nativity</i>	<i>Reading</i>	<i>Interview</i>	<i>Exam</i>	<i>Total</i>
1	Sivasuriyan	Writ Petitioner	7	5	25	7	5	30	79
2	K. Murali	4 th Respondent	5	7	20	10	15	30	87

7. From the aforesaid evaluation, I find that the petitioner has been given due marks for the educational qualification, driving skill and nativity, as stipulated under the Government Order. Insofar as the reading and writing skill and interview is concerned, the same would depend upon his performance in the selection process and this Court, exercising its powers under Article 226 of the Constitution of India, would not venture into the performance of the petitioner in the examination, which has been conducted by the selection panel.

8. Insofar as the petitioner's claim that he hails from Alangudi Village and that the fourth respondent herein is from a nearby village is concerned, since he has scored lesser marks than the fourth respondent herein, the Rules permit the first respondent to opt for a candidate who has scored higher



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marks from a nearby village. As such, the ground raised by the petitioner does not have any merit.

9. Accordingly, the Writ Petition stands dismissed. No costs.

Connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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M.S.RAMESH,J.

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