



W.A.No.527 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

Writ Appeal No. 527 of 2022
and
C.M.P. No. 3872 of 2022

Anthoniraj

.. Appellant

Versus

1. E. Gnanakkannan
2. The Secretary to Government
Rep. by its Secretary to Government of Tamil Nadu
Revenue Department
Fort St. George
Chennai 600 009
3. The District Collector
Cuddalore District
Cuddalore
4. The District Revenue Officer
Vriddhachalam
Cuddalore District
5. The District Employment Officer
District Employment Office
Cuddalore District
Cuddalore



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6. The Revenue Tahsildar
Vriddhachalam Taluk
Cuddalore District

7. The Director
Vigilance and Anti-Corruption
Lourdhusamy Pillai Colony
Edamalaipatti Pudur
Tiruchirapalli
Tamil Nadu 620 023

8. Elayaraja

9. Chitra

10. Ramalingam

11. Kavitha

12. Sabitha

13. Thangam

14. Kolanji

15. Roja

16. Sasikala

(Respondents 8 to 16 are given up)

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 15.11.2021 passed by the learned Judge in W.P. No. 2710 of 2016.

For Appellant : Mr. AR. Karthik Lakshmanan

For R1 : Mr. R. Thirumoorthy

For R2 to R7 : Mr. P. Kumaresan
Additional Advocate General
assisted by Mr. E. Sundaram
Government Advocate



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JUDGMENT

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(Judgment of the court was delivered by R. MAHADEVAN, J.)

This writ appeal arises from an order dated 15.11.2021 passed by the learned Judge in WP. No. 2710 of 2016.

2.The facts and circumstances leading to the filing of this appeal, are as follows:

2.1. The appellant and the first respondent herein, along with other candidates participated in the selection process for appointment to the post of Village Assistant. After conducting interview, the appellant was appointed to the post of Village Assistant on 11.07.2015. Challenging his appointment, the first respondent has filed the aforesaid writ petition. The appellant herein was arrayed as 11th respondent and the respondents 8 to 16 herein were the respondents 7 to 10, and 12 to 16 therein, who also participated in the said selection process and were appointed to the post of Village Assistants in various other Villages.

2.2. The first respondent / writ petitioner has raised several grounds in the writ petition challenging the appointment of the appellant herein. The main grounds are that (i) the selection and appointment to the post of Village



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Assistant was marred by corruption and it was not transparent; (ii) the appellant did not attend the interview conducted on 30.06.2015 and he was appointed by corrupt means, as Village Assistant of Koonankurichi Village; (iii) the appellant is not a resident of Koonankurichi Village, but he hails from a neighbouring Village called Kattunkoonankurichi and therefore, his appointment as Village Assistant in Koonankurichi is contrary to the terms and conditions of the selection notification; and (iv) the appellant/11th respondent was not sponsored by the employment exchange at all and by violating the employment exchange seniority and norms, he was appointed to the post of Village Assistant.

2.3. Before the Writ Court, counter affidavits have been filed by the contesting respondents opposing the allegations made by the first respondent / writ petitioner. The sixth respondent herein is the appointing authority and he has specifically denied the allegation with respect to corruption and receipt of illegal gratification for selecting the appellant to the post of Village Assistant. It was further stated that by following all the established procedures, the appellant was selected and appointed to the post in a transparent manner. It was also stated that the appellant is working as Village Assistant from 11.10.2015 and at this distance point of time, his appointment need not be



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disturbed. Thus, the sixth respondent stated that due to various reasons, the first respondent / writ petitioner was not selected and at his instance, the appointment of the appellant need not be interfered with.

2.4. On considering the submissions made by the parties, the learned Judge concluded that the selection process conducted by the sixth respondent such as issuing notification dated 20.06.2015, calling upon the candidates sponsored by the District Employment Office and also inviting applications from open market, cannot be found fault with. It was also found that fair representation was given to persons belonging to different communities. However, the learned Judge, while considering the claim of the first respondent/writ petitioner, was of the view that neither the first respondent/writ petitioner, nor the appellant/11th respondent hails from the Koonankurichi Village. However, the appellant was appointed by the sixth respondent, taking note of the fact that he hails from the Village (Kattunkoonankurichi), which is next to Koonankurichi Village. Having observed so, the learned Judge has disposed of the writ petition, with the following observations and directions:

"26. The respondents has not categorically denied the allegation of the petitioner, as far as the candidature of the eleventh respondent has not being sponsored by the fourth respondent District Employment office. The report of the sixth respondent is also not available though it indicates that there was some amount of irregularity in the appointments made by the fifth respondent. Although, both the fifth and sixth respondents have prayed for dismissal of the present. Therefore,



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the appointment of the eleventh respondent appears to be irregular.

27. *In the light of the above discussion the District Collector, the 2nd respondent herein is directed to examine the records surrounding the appointment of the 11th respondent herein, as to whether the 11th respondent was indeed sponsored by the 4th respondent District Employment office or not.*

28. *If the 11th respondent was not sponsored by the 4th respondent District Employment office, the petitioner should have been appointed as he was sponsored by the 4th respondent District Employment office to the post of Village Assistant.*

29. *In case the second respondent concludes that the 11th respondent was indeed not sponsored by the 4th respondent District Employment office or that the 11th respondent was much junior to the petitioner then the fifth respondent shall take expeditious steps to appoint the petitioner to the post of Village Assistant in terms of the notification dated 20.06.2015. It is left open to the appointing authority to take steps to proceed against the fifth respondent, if there was any irregularity.*

30. *The second respondent shall call for the records surrounding the appointment of the 11th respondent, scrutinise the papers and pass appropriate orders within a period of 30 days from the date of receipt of a copy of this order, if the appointment of the 11th respondent turns out to be irregular suitable action may be taken against the 11th respondent by issuing a proper show cause notice as to why his appointment should not be cancelled.*

31. *The writ petition stands disposed of with the above observations. No costs. Consequently, connected writ miscellaneous petition is closed."*

2.5. Aggrieved against the aforesaid order, the appellant / 11th respondent in the writ petition, has come up with this appeal.

3. The learned counsel for the appellant contends that the appointment of the appellant was in accordance with G.O. Ms. No.521, Revenue Department dated 17.06.1998. Adding further, the learned counsel submitted that the first respondent/writ petitioner has no *locus standi* to file the writ petition at all



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inasmuch as he does not belong to Koonankurichi Village and he hails from U. Mangalam Village. Thus, the appellant cannot have any grievance over the appointment of the appellant in Koonankurichi Village. It is also submitted that the appellant was not appointed on the basis of his employment exchange seniority, but on the strength of the fact that he hailed from Koonankurichi Village. Therefore, the direction issued by the learned Judge, directing the third respondent herein to conduct an enquiry with respect to the manner in which the appellant was appointed to the post of Village Assistant, is unnecessary. The learned counsel further submitted that the appellant is discharging his duties as Village Assistant for more than seven years and at this stage, at the behest of the first respondent / writ petitioner, his appointment need not be disturbed. With these submissions, the learned counsel sought to allow this writ appeal by setting aside the order passed by the learned Judge.

4.Per contra, the learned counsel for the contesting first respondent/writ petitioner submitted that the appellant shall subject himself to enquiry and it is for the third respondent to conclude whether the appointment of the appellant is proper or irregular, as directed by the learned Judge. If really the appellant was appointed by following the established procedures contemplated under



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law, he ought to have subjected himself to the enquiry, instead of filing the present appeal. It is also submitted that the appellant was not sponsored by the District Employment Office and even without his name being sponsored, he was appointed to the post of Village Assistant, as evident from the records. In such circumstances, the direction issued by the learned Judge is perfectly correct and the same does not require any interference by this court.

5.On the above contentions, we have heard the learned Additional Advocate General appearing for the respondents 2 to 7, who submitted that the third respondent will conduct an enquiry, as has been directed by the learned Judge, in which, opportunity will be provided to the appellant as well as the contesting first respondent/writ petitioner.

6.This court considered the submissions made by the learned counsel appearing for all the parties and also perused the records.

7.At the outset, it is to be noted that there are disputed questions of fact involved in this appeal. Challenging the eligibility and suitability of the appellant for appointment to the post in question, it was argued on behalf of the contesting first respondent/writ petitioner that the appellant did not



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participate in the interview at all; he did not belong to Koonankurichi Village, for which, he was appointed to the post of Village Assistant; the name of the appellant was not sponsored by the District Employment Exchange, etc. Having regard to the same, the learned Judge has rightly issued a direction to the third respondent to conduct an enquiry, scrutinise the records and pass appropriate orders, on merits, as regards the appointment of the appellant as Village Assistant in Koonankurichi Village. Such a direction issued by the learned Judge, in our opinion, does not require any interference. It is needless to mention that the third respondent shall afford adequate opportunity to the appellant as well as the contesting first respondent before passing an order, as directed by the learned Judge, in the order impugned herein.

8. Accordingly, this writ appeal is disposed of. No costs. Connected miscellaneous petition is closed.

[R.M.D, J.] [M.S.Q, J.]
19.12.2023

Neutral Citation : Yes/No
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AND
MOHAMMED SHAFFIQ, J.

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To

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