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W.P.No.18077 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

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THE HONOURABLE MR JUSTICE LSATHYA NARAYANA PRASAD

Writ Petition No.18077 of 2021
and W.M.P.No.19307 of 2021

A.Tharanitharan

...Petitioner

Vs.

1.The District Collector.
District Collectorate,
Kesavalu Nagar,
V.O.C.Nagar.
Kallakurichi - 606 202.

2.The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.

3.The Tahsildar,
Taluk Office,
Sankarapuram,
Kallakurichi District - 606 401.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records on the file of the second respondent vide his proceedings in Na.Ka.Aa1/938/2021 and quash the impugned order dated 25.06.2021 with regard to the petitioner.

For Petitioner : Karthikaa Ashok



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For Respondents : Mrs.C.Meera Arumugam,
Additional Government Pleader

ORDER

This Writ petition has been filed seeking to call for the records on the file of the second respondent vide his proceedings in Na.Ka.Aa1/938/2021 and quash the impugned order dated 25.06.2021 with regard to the petitioner.

2. The case of the petitioner is that the the petitioner was appointed as Village Assistant at Sankarapuram, Kallakurichi District by the third respondent on 13.02.2021 and the appointment order was delivered to the petitioner on 20.02.2021. When, the petitioner reported for joining duty, the third respondent did not permit the petitioner and informed that he will be permitted to join duty after the Legislative Assembly Elections 2021, which was scheduled later. After that he came to know that few selected candidates has joined duty, the petitioner made a representation dated 01.03.2021 before the third respondent, however, same was not considered Hence, he filed a writ petition in WP.No.12485 of 2021, seeking direction to the third respondent to permit him to join duty, pending the said writ



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petition, the second respondent vide his proceeding in Na.Ka.Aa1/93/2021 dated 25.06.2021 passed an order, rejecting the appointment of the petitioner. Aggrieved over the same, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner submitted that earlier a writ petition has been filed before this Court in W.P.No.32908 of 2022. This Court after elaborate discussion, by order dated 25.07.2023 has allowed the writ petition by giving directions to the authorities concerned.

4. Learned counsel for the petitioner further submitted that the directions issued by this Court in the said order is squarely applicable to the facts of the case on hand, therefore, similar relief may be granted in the present writ petition. For better appreciation, relevant portions of the order is extracted hereunder:

"2. The learned counsel appearing for the writ petitioner would submit that the writ petition filed by similarly placed persons challenging the cancellation of their appointment has been quashed by this Court and this Writ Petition has also been filed challenging the cancellation of their appointment has been quashed by this Court and this Writ Petition has also been filed challenging the cancellation of the appointment of the petitioner.



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3. *I have perused the entire materials available on record. Though the counter has not been filed, this Court in the Writ Petition in W.P.Nos.6220, 30530 and 30979 of 2022 has passed a detailed order and the same is applicable to the petitioner also. 4. In such view of the matter, the impugned order passed by the second respondent dated 25.06.2021 is quashed and this Writ Petition is allowed permitting the petitioner to join in his place of appointment, pursuant to the appointment order dated 13.02.2021. Consequently, connected miscellaneous petition is closed. No costs."*

5. Learned Additional Government Pleader appearing for the not denied about respondents has not denied the above said submissions made by the learned n counsel for the petitioner.

6. In view of the above factual matrix of the case and in the light of the order passed by this Court in W.P.No.32908 of 2022 dated 25.07.2023, the impugned order passed by the second respondent dated 25.06.2021 is liable to be quashed and the same is hereby quashed.

7. In the result, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

18.08.2023

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Speaking Order : Yes/No
Index : Yes/No
Neutral Citation : Yes/No

To:

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J.SATHYA NARAYANA PRASAD.,J.

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