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W.P.No.17505 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.03.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17505 of 2018

J.Ravi

... Petitioner

Vs.

1. The District Collector,
Collectorate Office,
Krishnagiri District

2. The Revenue Divisional officer,
Krishnagiri District

3. The Tahsildar,
Uthangarai Taluk,
Krishnagiri District

4. Madhappan

...Respondents

Writ Petition is filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus to direct the respondents 2 and 3 to take proper departmental action as against respondent no.4 as ordered by the 1st respondent in proceedings No.Na.Ka.4460/2017/A4 dated 02.03.2018.

For Petitioner : Mr.P.Paramasivadosh
For Respondents : Mr.T.M.Rajangam R1 to R3
Government Advocate
Mr.Dass & Viswa for R4



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ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondents 2 and 3 to take proper departmental action as against respondent no.4 as ordered by the 1st respondent in proceedings No.Na.Ka.4460/2017/A4 dated 02.03.2018.

2. The brief case of the petitioner is as follows:-

(i) The petitioner is a resident of Uthangarai Taluk, Krishnagiri District and the 4th respondent is working as a village assistant in the Veeranakupam village. The petitioner and other villagers had a serious doubt of the qualification of the 4th respondent holding the position of village assistant and the said post necessitates to possess a certificate certifying that a candidate has appeared for the old ESLC. On a doubt, the petitioner had approached the respondents and was able to find out that the 4th respondent had produced a certificate issued by Ambalapatti Panchayat Union Elementary School certifying that the 4th respondent had passed 8th standard from the said school in the academic year 1968 – 1969, however on approach, the said school has intimated to the petitioner that the 4th respondent had passed only 5th standard.



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(ii) Subsequently, the petitioner made a complaint to the 1st respondent about the fraud played by the 4th respondent in securing employment. In result of the same, the 1st respondent sent a communication dated 02.03.2018 calling upon the 3rd respondent to initiate proper proceedings in the subject issue. However, till date no action has been initiated, hence the present Petition.

3. The learned counsel for the petitioner submits that the petitioner had sent a representation to the 1st respondent / District Collector on 21.01.2018 seeking to take action against 4th respondent on the ground that the 4th respondent had secured the post of Village Administrative Officer by obtaining fabricated and forged educational certificates. The 1st respondent had forwarded the said representation to the respondents 2 and 3 for initiating proper departmental action, however, the same has not been done, hence this petition.

4. On the other hand, the learned Government Advocate has filed a detailed counter and submitted that the 4th respondent was appointed as village assistant in the year 1993 by the Revenue Divisional Officer, Krishnagiri by proceedings dated 22.02.1993 purely on merits and working



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for the past 25 years without any complaint. Further, the criteria and qualification for appointment as Village Assistant in the year 1993 is that the persons to be appointed as village assistant must know to read and write ordinary letters and must also know to ride cycle and the said persons must be hale and healthy to walk interior places of a village during the period of any emergency. No educational qualification has been fixed for the post of village assistants during the year 1993.

5. The learned Government advocate for the respondents also submits that the petitioner is a powerful person in the village and used to transport sand illicitly during the wee hours and the 4th respondent being the village assistant had caught the vehicle twice and reported the fact to the higher officials. In order to wreck vengeance, the petitioner and few others very often sending the petitions against 4th respondent, thereby pleaded to dismiss the petition.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the documents placed on record.



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7. According to the petitioner, the 4th respondent was selected to the position of village assistant by producing fraudulent certificates, in view of the fact that the post necessitates to possess a certificate certifying that a candidate has appeared for the old ESLC, however, on verification, the petitioner found that the 4th respondent had produced a certificate issued by Ambalapatti Panchayat Union Elementary School certifying that the 4th respondent had passed 8th standard from the said school in the academic year 1968 – 1969, however the said school has intimated to the petitioner that the 4th respondent had passed only 5th standard. On a complaint being made by the petitioner to the 1st respondent about the fraud played by the 4th respondent in securing employment, the 1st respondent sent a communication dated 02.03.2018 calling upon the 3rd respondent to initiate proper proceedings in the subject issue. However, till date no action has been initiated, hence the present Petition.

8. On the other hand, it is the contention on side of the respondents that the 4th respondent was appointed purely on merits as village assistant in the year 1993 by the Revenue Divisional Officer, Krishnagiri by proceedings dated 22.02.1993 and the criteria and qualification for appointment as Village Assistant at that point of time is, the persons must



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know to read and write ordinary letters and must also know to ride cycle and the said persons must be hale and healthy to walk interior places of a village during the period of any emergency and that no educational qualification was fixed for the post of village assistants. Further, in order to wreck vengeance, on account of previous enmity, the petitioner and few others are very often sending the petitions against 4th respondent, thereby pleaded to dismiss the petition.

9. Considering the fact that the 4th respondent was appointed purely on merits as village assistant in the year 1993 by the Revenue Divisional Officer, Krishnagiri by proceedings dated 22.02.1993 and that no educational qualification was fixed for the post of village assistants at that point of time and taking note of the fact that in order to wreck vengeance, on account of previous enmity, the petitioner and few others very often sending the petitions against 4th respondent and coupled with the fact that based on the complaint forwarded by the 1st respondent, the 3rd respondent has conducted enquiry and the enquiry revealed that the complaint against the 4th respondent is baseless and false one, wherein a detailed report was also forwarded to the 1st respondent and the 1st respondent will also pass orders, within a reasonable time, this Court is of the view that there is no illegality committed in the appointment of the petitioner.



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In view of the above, the present Writ Petition is dismissed. No costs.

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Index : Yes/No
Internet : Yes/No
ssd

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V.BHAVANI SUBBAROYAN, J.,

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