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W.P.No.29083 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13..07..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.29083 of 2022

and

W.M.P.Nos.28366 & 28367 of 2022

M.Thamarai Priyan

..... Petitioner

-Versus-

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Tahsildar,
Mettupalayam Taluk,
Coimbatore District.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the relating to the Notification of the 2nd respondent herein in Na.Ka.No.4565/2022/A5 dated 08.10.2022 published in Maali Murasu Newspaper dated 10.10.2022 and to quash the same and consequently, direct the respondents herein to publish the result of the interview held on 04.02.2021 in the office of the 2nd respondent herein.

For Petitioner : *Mr.G.Karthikeyan,*
Senior Counsel for
Ms.A.Jagadeewari

For Respondents : *Mr.P.Baladhandayutham,*
Spl. Government Pleader
for RR 1 & 2



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ORDER

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This writ petition has been filed challenging the Notification dated 08.10.2022 issued by the 2nd respondent to fill up the vacancies in the post of Village Assistant within the Mettupalayam Revenue Taluk in Coimbatore District and for a consequential direction to the respondents to publish the results of the interview held on 04.02.2021 in the office of the 2nd respondent.

2. It is the case of the petitioner that the 2nd respondent issued a notification for filling up the vacancies in the post of Village Assistant. The petitioner applied for said post. He was called for interview and he attended the interview on 04.02.2021. Thereafter, no communication was received from the 2nd respondent. Therefore, the petitioner made an application under RTI Act requesting information about the employment notification and other details relating to filling up of vacancies of the post of Village Assistant for which he received a reply dated 15.07.2021 stating that matter is under process and therefore, no information could be furnished to him. He gave a representation on 11.09.2021 to the District Collector of Coimbatore District, who in turn, on 22.09.2021, communicated the same to the 2nd respondent to take necessary action and provide the details of action taken. But thereafter there was no response either from the 1st respondent or from the 2nd respondent. While so,



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the 2nd respondent issued a fresh notification. It is this notification which is under challenge in the present writ petition.

3. The 2nd respondent filed his counter affidavit inter alia contending that pursuant to the notification dated 14.12.2020, an interview was conducted. However, the selection process was kept pending for some time due to official work and administrative reasons, mainly due to COVID19 pandemic. While so, Government of Tamil Nadu had issued guidelines by way of letter dated 28.09.2022 to all the District Collectors with respect to selection of Village Assistant. Therefore, the earlier notification was called off and a fresh notification was issued on 10.10.2022.

4. Heard both sides.

5. The learned counsel for the petitioner would submit that the earlier notification was called off after the interview was conducted and the fresh notification came to be issued by the 2nd respondent without withdrawing the earlier notification.

6. The learned Special Government Pleader would on the other hand contend due to COVID19 pandemic and implementation of the Election Code and other administrative reasons, the earlier notification was called off. Thereafter, a fresh notification has been issued in the light of the directions



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issued by the Government of Tamil Nadu and there were 229 candidates

participated in the interview and appointments were also made as per the roster.

Therefore, according to the learned Special Government Pleader, second notification cannot be challenged when all the posts have been filled up by the 2nd respondent.

7. It is not in dispute that pursuant to the earlier notification, the petitioner was called for interview and the interview was over. Further process could not be completed in time due to various reasons as already set out above. The records produced by the respondents before this court would make it very clear that before the 2nd respondent could get approval, Election Code of Conduct had been implemented and in the mean time, due to Covid19 pandemic, a complete lock down was announced. Thereafter, it was decided to call off the earlier notification. As per the letter of the District Collector, Coimbatore, dated 06.10.2022, the 2nd respondent issued afresh notification.

8. It is relevant to note here that as per G.O.Ms.574, Revenue (Ser – VII) dated 17.10.2020, before issuing a notification the Tahsildar concerned is required to obtain approval at each and every stage of the selection process of Village Assistant from the District Collector concerned (from the notification to the appointment stage) and that the District Collector concerned shall ensure



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that the entire process of selection is not made on favouritism and nepotism to any of the applicants in the competition with any influence. The entire process of selection of Village Assistant shall be made transparent and the results should be published in the websites of the District Collectorates concerned. The Government Order further suggests to appoint a Monitoring Officer in the cadre of Deputy Collector for each Taluk to supervise the writing skill test by prescribing a common passage with words not exceeding 100 words preferably about the profile of the village or details of classification of lands or village accounts or as desired by the Collector. The said Government Order also suggests that a reading may be tested by asking the candidates to read a passage taken out randomly by the examiner from any quality books. The Government Order further suggests that Special Rules for Tamil Nadu Village Assistant service, 1995, which envisages rule of reservation, should be scrupulously followed. The earlier notification lacks approval of the District Collector. There is no material placed before this court that earlier notification was issued with the approval of the District Collector. Whereas the records produced before this court would go on to show that earlier notification was called off and no further process had taken place after the interview and a fresh notification had been issued. Pursuant to the subsequent notification,



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appointments were made by following the rule of reservation. It may not be proper for this court at this length of time to interfere with the second notification.

In the light of the above, the writ petition is dismissed. No costs.

Consequently, connected WMPs are closed.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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To

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Coimbatore.

2.The Tahsildar,
Mettupalayam Taluk,
Coimbatore District.



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N.SATHISH KUMAR.J.,
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