



W.P.No.29268 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.29268 of 2022

P.Dinakaran

.. Petitioner

Versus

- 1.The District Collector,
O/o The District Collectorate,
Thirupathur District,
Thirupathur.
- 2.The Sub-Collector,
O/o The Sub-Collector,
Thirupathur Taluk,
Thirupathu District.
- 3.The Tahsildar,
O/o The Tahsildar,
Nattrampalli Taluk,
Thirupathur District.
- 4.The Village Administrative Officer,
O/o, Mookkanur Village
Administrative Office,
Mookkanur,
Nattrampalli Taluk,
Thirupattur District.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to furnish the report of enquiry which was held on 05.08.2022 and also consequently direct the respondents to appoint the petitioner as Village Assistant in Kothur Village, Natrampalli Taluk, Tirupattur District, as per Circular dated 09.10.2022.

For Petitioner	: Mrs.R.Kalaiyarasi for C.S.Vijayakumar
For Respondents	: Mr.P.Balathandayutham Special Government Pleader

ORDER

This writ petition has been filed to direct the respondents to furnish the report of enquiry, which was held on 05.08.2022, and also consequently direct the respondents to appoint the petitioner as Village Assistant in Kothur Village, Natrampalli Taluk, Tirupattur District, as per Circular dated 09.10.2022.

2. It is the case of the writ petitioner that on 21.05.2018 in a daily newspaper there was an advertisement for filling up the post of Village



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Assistant at Mookkanur Village, Natrampalli Taluk, Tirupattur District, for the people from SC/ST Community and destitute widows. Based on the said notification, the petitioner had applied for the said post and he has called for an interview on 24.01.2019. Accordingly, the petitioner has attended the interview and also attended the written examination. However, he has not been appointed. According to the respondents, the said notification given in this regard is clearly meant that SC/ST destitute widows are entitled to apply for the said post. The petitioner, being the Scheduled Caste community, had applied to the said post and only at the time of interview, the respondents informed the same to the petitioner that as per the roster, the vacancy has been earmarked only for the SC/ST destitute widows. Therefore, it is the contention of the petitioner that if he was informed that the said vacancy has been earmarked only for SC/ST destitute widows, he would have applied for some other area where it is earmarked for Scheduled Caste. However, the failure to inform the same to the petitioner caused injustice and the age of the petitioner is also crossed above the limit of appointment. Therefore, it is his contention that even now, one post is still vacant and now he is aged about 40 years, he should be given appointment.



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3. The 3rd respondent filed counter affidavit wherein it is stated that admittedly there was newspaper advertisement for filling up the post of Village Assistant, at Mookkanur Village, Natrampalli Taluk, Tirupattur District. According to them, the said Village Assistant post was allotted to the women candidate who comes under the category of SC/ST destitute widow. As the petitioner is a male person he is not eligible to be appointed in the said post. Therefore, this petition may be dismissed.

4. The learned counsel for the petitioner contended that if he was informed that the said post is notified only for women candidates, he would not applied for the said post, which has been reflected in the advertisement, which, in fact, resulted in grave injustice. Therefore, even now if there is any post vacant, he must be appointed in it.

5. Heard the learned counsels on either side and perused the materials available on record.

6. It is relevant to note that in an earlier occasion, the petitioner has challenged the same in W.P.No.16747 of 2021 and similar grounds have



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also been raised in the above writ petition. This Court by an order dated 03.02.2021, dismissed the petition holding that the petitioner is not eligible for appointment as Village Assistant at Mookkanur Village. As against the same, writ appeal has been filed in W.A.No.1009 of 2022 before this Court and the same has been withdrawn by the learned counsel for the petitioner with liberty to approach the appropriate authority for appropriate relief by order dated 18.04.2022. Based on that, he has given a representation on 30.04.2022, which has been rejected. Hence, the present writ petition has been filed.

7. This Court is of the view that, once the post has been earmarked for SC/ST women particularly destitute widow, the petitioner's earlier challenge is also reached finality merely on the ground that the writ appeal was withdrawn by him with liberty to approach the appropriate authorities for appropriate relief cannot revive the order which has already been confirmed and dismissed by the Courts. In such view of the matter, this Court is of the view that when the very challenge as to non-selection reached the finality, once again the same cannot be reiterated in the present writ petition and admittedly, now it is brought to the notice of the Court that for filling up the



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vacancy in other area and an advertisement also issued on 10.10.2022 in respect of the post also as per the roster.

8. In such view of the matter, as the petitioner had already challenged his non-selection, which has already been reached finality, this Court cannot give any positive finding. Hence, the writ petition is liable to be dismissed.

9. Accordingly, the writ petition stands dismissed. There shall be no order as to costs.

10.07.2023

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Index : Yes / No

Speaking Order : Yes / No



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WEB COPY

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N.SATHISH KUMAR, J.

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