



W.P.(MD)Nos.1841 & 2217 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.1841 & 2217 of 2023

and

W.M.P(MD)Nos.1995 & 2611 of 2023

P.Muthumariyammal ... Petitioner in W.P.(MD) No.1841 of 2023

M.Selva Sagunthala ... Petitioner in W.P.(MD) No.2217 of 2023

Vs.

1.The District Collector
O/o. the District Collector,
Thoothukudi District.

2.The Tahsildar
O/o. the Tahsildar,
Vilathikulam,
Thoothukudi District. ... Respondents 1 & 2 in Both writ petitions

3.P.Arun Kumar ... 3rd Respondent in W.P.(MD) No.1841 of 2023

4.A.Manoj ... 3rd Respondent in W.P.(MD) No.2217 of 2023

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Prayer in W.P.(MD) No.1841 of 2023 :- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration declaring the appointment of the third respondent as Village Assistant is illegal at Soorangudi Village, Vilathikulam Taluk, Tuticorin District and consequently direct the Respondents 1 and 2 to appoint the Petitioner as Village Assistant is illegal at Soorangudi village, Vilathikulam Taluk Tuticorin District with consequently benefits.

Prayer in W.P.(MD) No.2217 of 2023 :- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration declaring the appointment of the third respondent as Village Assistant is illegal at Melmanthai Village, Vilathikulam Taluk, Tuticorin District and consequently direct the Respondents 1 and 2 to appoint the Petitioner as Village Assistant is illegal at Melmanthai village, Vilathikulam Taluk Tuticorin District with consequently benefits.



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In both writ petitions

For Petitioners : Mr.T.Thirumurgan

In W.P.(MD) No.1841 of 2023

For Respondents : Mr.Veerakathiravan - for R1 and R2
Additional Advocate General
assisted by Mr.S.P.Maharajan
Special Government Pleader

W.P.(MD) No.2217 of 2023

For Respondents : Mr.Veerakathiravan - for R1 and R2
Additional Advocate General
assisted by Mr.C.Satheesh
Government Advocate

COMMON ORDER

Since, the issue that arises in both the writ petitions is one and the same, they were disposed of by this common order.

2. The case of the petitioners is that the petitioners have participated in the selection process to the post of Village Assistant in the



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respective communal rotation i.e., Scheduled Caste and Backward Class other than Muslims priority. However, the grievance of the petitioners is that as per the communal rotation, 200 points roster system was not followed in filling up the said post and in violation of the roster system, the respondents have selected the candidates irrespective of the village, which was allotted to a particular community. Hence, the petitioners have filed these writ petitions before this Court.

3. However, since this Court *prima facie* satisfied that some of the candidates were not deserved to be appointed to the post of Village Assistants, vide order, dated 23.02.2023, a direction was issued to the District Collector to conduct a detailed enquiry as to whether the selection to the post of Village Assistants was conducted by following the Rule of Reservation and if any deviation is found, the District Collector can *suo motu* cancel such selection and file appropriate report before this Court on or before 02.03.2023.

4. Pursuant to the said direction issued by this Court, the



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District Collector had conducted a detailed enquiry and filed a report before this Court on 02.03.2023.

5. A perusal of the report filed by the District Collector revealed that Notification No.1 of 2022, dated 10.10.2022 was issued in leading Tamil dailies on 10.10.2022 inviting applications to fill the post of 17 Village Assistants by mentioning the name of the villages, for which, the posts of Village Assistants are to be filled in Vilathikulam Taluk by following the communal rotation. The village is mentioned in Table No.1 of the report and the communal rotation is mentioned in Table No.2 in terms of G.O.No.10 P& AR(K) Department, dated 09.02.2009 and as per Section 53(4) of Tamil Nadu Service Rules, 2016, one Taluk is considered as one Unit for the post of Village Assistant. As per Table No. 2, any person in Vilathikulam Taluk can apply for the 17 posts of Village Assistants. Followed by the said notification, 1239 applications through online, 45 applications through District Employment Office, Thoothukudi, 5 applications through the Office of Assistant Director (Ex-Servicemen Welfare), Thoothukudi were received and as such the total



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number of applications is 1289. After scrutinizing those applications, based on prescribed educational qualifications, age and other qualifications, finally 1111 applications were accepted and thereafter, hall tickets were sent to the above 1111 applicants for the written test, out of which, 836 candidates appeared for the written test, which was held on 04.12.2022. The answer sheets were evaluated on the same day and interview was conducted from 02.01.2023 to 10.01.2023 and out of 836 candidates, 636 candidates have participated in the interview and marks were allotted to the candidates as per their qualifications. The post of Village Assistants were filled up by the qualified candidates, who secured high marks based on the Government Orders and communal rotation. Accordingly, the list of final marks secured by the applicants were prepared.

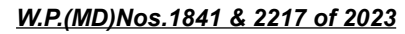
6. The seniority fixation for selection of 17 posts of Village Assistants in Vilathikulam Taluk should be done as per 200 point roster system issued in G.O.No.10 P & AR (K) Department, dated 09.02.2009. The priority fixation for selection of 17 posts of Village Assistants in



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Vilathikulam Taluk should be done as per G.O.No.122 P & AR (K2) Department, dated 02.11.2021. Accordingly, the selection of the applicants to the post of 17 Village Assistants in Vilathikulam should be allocated as per the communal rotation in Table No.3. However, report of the District Collector states that instead of allocation has been made to the post of 17 Village Assistants in Villathikulam Taluk, the allocation was done in Taluk Office, Vilathikulam, and as such the persons shown in Table No.4 have been selected. During enquiry, the District Collector found variation that the allocation of the candidates to be done and the actual allocation done by the local team, for Sl.Nos.5, 10 and 11, which reads as follows :

S. No	Turn No.	Turn Category	Priority /Non priority	Name	Gender	Comm unity	Marks obtain ed	Priority Category	Remarks
5	35	GT	P(First graduate)	Manoj	Male	MBC	73	PSTM	Wrong Priority
10	40	BC Muslim DW	NP	Ananth kumar	Male	BC	68		Wrong Communal Rotation
11	41	GT	NP	Arun kumar	Male	MBC	74		Wrong Communal Rotation Sl.No.12 SC candidate scored high marks comparing this candidate. hence she may be considered for General category



8. On perusal of the records of the Village Assistants Recruitment in Vilathikulam Taluk, it is found that the selection of the candidates, namely, Ananthkumar and Arunkumar based on the communal rotation, priority basis and marks obtained by the candidates has been noticed as wrong. Hence, the District Administration is going to take effective steps to terminate the services of the above candidates



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namely, Arunkumar and Ananthkumar and further, two eligible candidates who were available, may be replaced in the place of the outgoing candidates.

9. Insofar as the petitioners are concerned, the petitioners namely, Muthumariammal and Selva Sagunthala, though called for an enquiry on 27.02.2023, the petitioners have turned up for enquiry on 27.02.2023 before the District Collector, Thoothukudi and the said Muthumariammal secured 44 marks. However, the selected candidate Rohini secured 76 marks, who belongs to Scheduled Caste community (Widow), who was already in the communal rotation, however, the petitioner in W.P.(MD) No.1841 of 2023 was not selected, since she secured lesser marks than Rohini. Accordingly, Rohini was given appointment. Similarly, one Selva Sagunthala also secured 54 marks, who belongs BC category. However, Melmathur Village is allotted to Most Backward Class category and the petitioner belongs to Backward Class category, in which category, she secured lesser marks comparing to the selected candidate. Accordingly, her candidature was rejected and in



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view of the above report, the prayer sought for in these writ petitions cannot be granted.

10. Accordingly, both the writ petitions are dismissed. However, liberty is granted to the petitioners to participate in the future selection process for the post of Village Assistants in their respective category. No costs. Consequently, connected miscellaneous petitions are closed.

02.03.2023

Index : Yes/No
Internet : Yes / No
NCC : Yes / No

RM



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To
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- 1.The District Collector
O/o. the District Collector,
Thoothukudi District.

- 2.The Tahsildar
O/o. the Tahsildar,
Vilathikulam,
Thoothukudi District.



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M.DHANDAPANI, J.

RM

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