



W.P.(MD)No.3918 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:01.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3918 of 2023
W.M.P(MD).No.3754 of 2023

A.Vinoth

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The Tahsildar,
Avudaiyarkovil Taluk,
Pudukkottai District.

3.Prabu

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to cancel the appointment order issued in favour of the third respondent to the post of Village Assistant in Magalienthal Revenue Village, Avudaiyar Kovil Taluk, Pudukkottai District and consequently, direct the respondents to appoint the petitioner as Village Assistant in Magalienthal Revenue



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Village, Avudaiyar Kovil Taluk, Pudukottai District.

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For Petitioner : Mr.V.Panneer Selvam
For R1 and R2 : Ms.K.Christy Theboral
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents 1 and 2 to cancel the appointment order issued in favour of the third respondent to the post of Village Assistant in Magalienthal Revenue Village, Avudaiyar Kovil Taluk, Pudukottai District and appoint the petitioner as Village Assistant in Magalienthal Revenue Village, Avudaiyar Kovil Taluk, Pudukottai District.

2. The case of the petitioner is that the respondents issued a Notification to fill up the posts of Village Assistant. The petitioner applied for the said post in Makalienthal Revenue Village, Avudaiyar Kovil Taluk, Pudukottai District under OC category and he has submitted his application on 02.11.2022. The written examination was conducted on 04.12.2022 and he was called for interview on 09.01.2023. He has



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also attended the interview. When he was waiting for appointment order, he was informed that the third respondent was appointed as Village Assistant. Hence, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that as per the norms prescribed in the Notification, the candidate should belong to the same Taluk and the petitioner is residing within 2 km. However, the third respondent is residing nearly 7 km away from the village. Without considering the same, the second respondent has issued the appointment order to the third respondent by violating all the norms, which is not sustainable one. Hence, the present Writ Petition has been filed.

4. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner has secured 62 marks in total, whereas, the third respondent has secured 72.5 marks in total. Further, the petitioner has not acquired any qualification as per the notification. Hence, the third respondent was selected as Village



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Assistant. The interview was conducted by the Tahsildar, Special Tahsildar and the Deputy Tahsildar as per the guidelines issued in the Government Order and hence, there is no illegality or irregularity in the appointment of the third respondent.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. The facts in the present case are not in dispute. Admittedly, the petitioner and the third respondent have applied for the post of Village Assistant at Makalienthal Revenue Village, Avudaiyar Kovil Taluk, Pudukottai. It is seen from the records that the petitioner has secured 62 marks in total, whereas, the third respondent has secured 72.5 marks in total. After considering the eligibility, the marks secured by the candidates and the performance during the interview, the Selection Committee has appointed the third respondent as Village Assistant at Makalienthal Revenue Village, Avudaiyar Kovil Taluk, Pudukottai District. The selection process was conducted as per G.O.Ms.No.574,



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Revenue and Disaster Management, Department, dated 17.10.2020 and G.O.Ms.No.521, Revenue Department, dated 17.06.1998. Hence, this Court is not inclined to issue any positive direction in favour of the petitioner.

7. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.03.2023

ssb

To

1.The District Collector,
Pudukkottai District.

2.The Tahsildar,
Avudaiyarkovil Taluk,
Pudukkottai District.



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M.DHANDAPANI,J.

ssb

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