



W.P(MD)No.5686 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5686 of 2023

and

W.M.P.(MD)Nos.5288, 5290 & 5292 of 2023

D.Vijayakumar

... Petitioner

Vs.

1.The Additional Chief Secretary /
The Commissioner of Revenue Administrative,
Chepauk,
Chennai-5.

2.The District Collector,
O/o District Collectorate Premises,
Ramanathapuram District.

3.The Sub Collector,
O/o. Sub Collectorate Premises,
Paramakudi,
Ramanathapuram District.

4.The Tahsildar,
O/o. Thasildhar Office Premises,
Kamuthi Taluk,
Ramanathapuram District.

5.P.Ibrahimkaleel,
The Village Assistant,
Kovilangulam Village,
Kamuthi Taluk,



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Ramanathapuram District.

6.A.K.Sikkanthar Babitha,
Tahsildar,
Kamuthi.
(R6 is suo motu impleaded vide order dated
16.03.2023)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.A3/6610/2022, dated 14.01.2023 passed by the 4th respondent regarding with Serial No.4 is concerned and quash the same as illegal and consequently, direct the respondents 1 & 2 to conduct fresh enquiry against the respondents 4 & 5 based on the petitioner's representation dated 28.11.2023.

For Petitioner : Mr.M.Karthikeyavenkitachalapathy
for Mr.K.Manoharan

For Respondents : Mr.T.Villavankothai
Additional Government Pleader for R1 to R4

: Mr.M.Mahaboob Athif for R5

: Mr.T.Cibi Chakraborty for R6

ORDER

Heard the learned counsel on either side.

2. The petitioner is an aspirant for the post of village assistant, kovilangulam village. The petitioner challenges the appointment of the



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5th respondent on very many grounds. The specific stand of the petitioner is that while he is a native of the village itself, the 5th respondent is a native of the taluk only. The native of the village candidate is given more marks compared to the native of the taluk candidate who is not the native of the village. The allegation of the petitioner is that to offset the shortfall, the 6th respondent who headed the selection committee awarded more marks during interview in favour of the 5th respondent. The petitioner tries to demonstrate nepotism and favoritism by pointing out that the 5th respondent's father was a Tahsildar who died in service and that the 6th respondent had worked under him. It is also stated that the 6th respondent has been serving in the E-Seva centre. That is why, the 6th respondent had awarded more marks for him. These are not legal grounds for interference. The 5th respondent cannot be said to be a disqualified candidate. Whenever interviews are held and marks are awarded, the element of subjectivity is bound to be there and on the circumstances projected by the petitioner, this Court cannot draw adverse inference against the 6th respondent. I do not find any ground to interfere.

3. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

21.04.2023

Index : Yes / No
Internet : Yes/ No
rmi



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G.R.SWAMINATHAN, J.

rmi

To

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