



W.A(MD)No.832 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.832 of 2023
and
C.M.P(MD)No.6726 of 2023**

1. The Revenue Divisional Officer,
Usilampatti Division,
Madurai District.

2. The Tahsildar,
Usilampatti Taluk,
Usilampatti,
Madurai District.

... Appellant

vs.

A.Suresh

... Respondent

PRAYER : Appeal filed under Clause 15 of Letters Patent,
against the order passed in W.P(MD)No.18539 of 2016 dated
24.08.2022.

For Appellant : Mr.Veera Kathiravan
Additional Advocate General assisted by
Mr.P.T.Thiraviyam, Government Advocate
For Respondent : Mr.D.Shanmugaraja Sethupathi



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JUDGMENT

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

We are unable to fault the Writ Court for having allowed the writ petition and directed appointment of the petitioner in the writ petition as the Village Assistant in view of the following facts:-

The Tahsildar, Usilampatti, called for applications from eligible individuals for being appointed as Village Assistant in the year 2015. It is not in dispute that he is the appointing authority. The petitioner was selected after a selection process. The Tahsildar, however, forwarded the select list to the Revenue Divisional Officer, Usilampatti, seeking his approval though he was not bound to seek such approval under the rules as it was a case of appointment of one single Village Assistant and not a number of Village Assistants. The office of the Revenue Divisional Officer by its memo dated 20.10.2015 called for certain particulars from the Tahsildar, Usilampatti. The Tahsildar, Usilampatti, sent a reply on 03.11.2015. Thereafter, nothing was heard. The petitioner approached this Court in the year 2016 and sought for appointment as per the selection. The writ petition came to be disposed of by this Court on 24.08.2022.



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2. Mr.Veerakathiravan, learned Additional Advocate General would submit that the approval of the Revenue Divisional Officer was mandatory.

3. We are unable to accept the said submission as the Writ Court has categorically found that approval is required only in cases where a number of persons are appointed as Village Assistants in one single selection process. Admittedly, it is not the case on hand. The applications were called for for appointment of only one Village Assistant and the petitioner was the selected candidate.

4. To a query from us as to what is the fate of the approval sought for by the Tahsildar, Usilampatti, in the year 2015, the learned Additional Advocate General would submit that the same is pending. This is nothing but criminal dereliction of duty on the part of the Revenue Divisional Officer, due to which, the petitioner has lost seven years of valuable service. The writ appeal is therefore dismissed confirming the order of the writ court. No costs. Connected miscellaneous petition is closed.



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5. At this juncture, learned Additional Advocate General undertakes that appointment order will be issued to the petitioner within ten days from today. We desist from imposing costs in view of the undertaking given by the learned Additional Advocate General.

6. List the writ appeal on 22.06.2023 for reporting compliance of the aforesaid undertaking.

(R.SUBRAMANIAN, J.) & (L.VICTORIA GOWRI, J.)
13.06.2023

Index : Yes / No
Internet : Yes
Neutral Citation : Yes / No
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To

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and
L.VICTORIA GOWRI, J.

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JUDGMENT MADE IN
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