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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 19252 of 2016

and

W.M.P(MD)Nos. 13901 & 13902 of 2016

A.Thillai

...Petitioner

Vs.

1. The District Collector,
Tirunelveli District.

2. The Sub Collector,
Cheranmahadevi Division,
Sub-Collector's Office,
Cheranmahadevi
Tirunelveli District.

3. The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

4. S.Ramachandran

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a *Writ of Certiorarified Mandamus*, to call for the records of the impugned order passed by the 2nd respondent herein in Na.Ka.A3.7966-2014



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dated 16.12.2015 in so far as the 4th respondent is concerned and quash the same and consequently direct the 2nd and 3rd respondents to consider the petitioner's case for appointment as Village Assistant in A.Thirumalapuram Village and also direct the 1st respondent herein to take appropriate action against the 3rd respondent for the illegal selection of the 4th respondent.

For Petitioner : Mr.K.Vamanan
For R-1 to R-3 : Mr.M.Lingadurai
Government Advocate
For R-4 : No appearance

ORDER

This writ petition is filed to quash the impugned order of the 2nd respondent, dated 16.12.2015 and consequential direction the 2nd and 3rd respondents to consider the petitioner's case for appointment as Village Assistant in A.Thirumalapuram Village and also direct the 1st respondent to take appropriate action against the 3rd respondent for the illegal selection of the 4th respondent.

2. The contention of the petitioner is that the 4th respondent is not belonging to A.Thirumalpuram village, but belongs to Kumbikulam village panchayat, even then the respondents have appointed the 4th respondent as Village



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Assistant. Even though the respondents claim that they have taken Taluk as unit, the same is not mentioned in the paper advertisement. Hence the present writ petition.

3. However the respondents submitted that the issue of candidate should belong to the same resident was considered by this Court in W.P.(MD)No. 31317 of 2019 and W.P.(MD)No.9600 of 2013, dated 19.02.2015, wherein this Court directed the respondents to take Taluk as a unit for the purpose of reservation rather than taking village as a unit for reservation and as far as educational qualification to fix pass in 10th standard. Based on the judgment of this Court, the Government has issued G.O.Ms.No.375 Reviser 8(1) Department, dated 19.10.2015 and amended the rules of reservation. In the present case, after passing this G.O., the respondents have conducted selection process by following the said G.O. As far as the resident of the candidate is concerned, the respondent has taken Taluk as a Unit. Even though in the newspaper, it has been not stated so, in the present selection process the aforesaid G.O. is followed, wherein it is passed based on the judgment of the Court. The selected candidate Ramachandran belongs to Seelathikulam village Radhapuram Taluk. Therefore, according to the



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G.O.Ms.No.375, the 4th respondent belongs to the same Taluk, therefore the petitioner's plea cannot be considered.

4. The next contention of the petitioner is that the 4th respondent is already working as Village Assistant in Kumbikulam Village Panchayat. The fact was denied by the respondents and submitted that the said Ramachandran was serving as Sweeper in Kumbikulam Village Panchayat, which is a temporary post. Since the said Ramachandran was serving in temporary post, he has every right to participate in the selection process for a permanent post. Infact any person is serving any other permanent post, there is no bar to participate in the selection process, if the person is otherwise eligible for the post. Therefore, this Court is not accepting the contention of the petitioner.

5. The appointment granted to the 4th respondent is as per law. There is no valid ground was raised by the petitioner to quash the appointment of the 4th respondent.



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6. In view of the foregoing reasons, this Writ Petition stands dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes
ksa

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To

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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 19252 of 2016**

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