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W.P.No.1013 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.1013 of 2016
and
W.M.P.Nos.776 and 777 of 2016
and
5240 of 2017

Shanmugapriya

... Petitioner

-VS-

1.The District Collector,
O/o. The District Collector Office,
Vellore -9.

2.The Tahsildar,
Natrampalli,
Vellore District,
Vellore.

3.The Village Employment Officer,
Employment Exchange Office,
Vellore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records on



W.P.No.1013 of 2016

the file of the 1st respondent in proceedings No.Na.Ka.A1 23936/201-2 dated 18.12.2015 and quash the same.

For petitioner : Mr.M.R.Chellappan

For respondents : Mr.Alagu Gowtham,
Government Advocate.

ORDER

Challenging the proceedings dated 18.12.2015 of the first respondent in Na.Ka.A1 23936/201-2, the petitioner is before this Court.

2. The facts which have given rise to the above writ petition are set out hereinbelow.

2.1. The petitioner who belongs to the Most Backward Classes community and who has studied upto X standard, had registered herself in the third respondent office as early as on



W.P.No.1013 of 2016

WEB COPY

29.08.2015. Meanwhile, the second respondent had called for applications for the post of Village Assistant through a paper publication. The petitioner's name was sponsored by the third respondent for the aforesaid post. The petitioner had therefore, made an application enclosing her requisite certificates and she was called for a provisional interview which was to be held on 05.10.2015 at 11.00 a.m. in the second respondent's office. The petitioner was directed to come along with the original certificates.

2.2. After the completion of interview, the petitioner was provisionally appointed by an order dated 16.11.2015 issued by the second respondent. It was clarified that the appointment was made under Rule 10a(i) of the Tamil Nadu State and Subordinate Services Rules and she was given the said post in Sorakkayalnatham Village on the pay scale of Rs.3,500/- – Rs.6,000/- with Grade Pay Rs.600/- with additional benefits.



W.P.No.1013 of 2016

WEB COPY

2.3. The appointment order had a condition that in case, after the appointment, during verification of the records, if the records are not found to be in order, she would be terminated without giving any prior notice. The petitioner would submit that she had taken charge on 23.11.2015 and was performing her duty with utmost sincerity. While so, on 31.12.2015, she was served with the impugned order dated 18.12.2015 terminating her service on the ground that she had not produced her Destitute widow certificate and also she had overlooked the seniority of three persons. It is challenging this order that the petitioner is before this Court. Interim stay had also been granted in this petition *vide* order dated 12.01.2016 of this Court.

3. The respondents who had entered appearance had immediately filed a petition to vacate the order of interim stay. In the affidavit filed in support of the said petition, the respondents would submit that the second respondent had called for applications for filling up the post of the Village Assistant in various villages in



W.P.No.1013 of 2016

WEB COPY

Natrampalli Taluk through the employment exchange by paper publication. The petitioner and others had applied for the said post on 28.09.2015. After the completion of interview, the petitioner was appointed temporarily as Village Assistant at Sorakkayalnatham Village in Natrampalli Taluk under the provisions laid down in Rule 10a(i) of the Tamil Nadu Servants and Subordinates Services Rules.

4. After the appointment of the petitioner, complaints were received from the persons who had participated in the said interview stating that the second respondent had conducted the said interview without following the established procedure. Thereafter, on a detailed enquiry, it was found that the petitioner had overlooked the seniority of three persons who are residing within 6 kms from Sorakkayalnatham Village and had not produced her Destitute Widow certificate. In fact, the first respondent had initiated disciplinary proceedings against the second respondent for the lapses committed by them.



W.P.No.1013 of 2016

WEB COPY

5. Heard the learned counsel on either side and perused the materials available on record.

6. The original files had also been produced by the learned Government Advocate for the scrutiny of this Court.

7. The petitioner's appointment was rejected on two grounds viz., non-production of destitute widow certificate and overlooked the seniority of one person. As regards the first ground, the petitioner had not produced the Destitute widow certificate since she is not a widow. As regards the second ground, a perusal of the list of the candidates who had been called for interview and who were residing near the villages where the requirement of Village Assistant was sought for, would clearly indicate that the other three persons residing within 6 kms from Sorakkayalnatham Village had registered much prior to the petitioner, whereas, the petitioner had registered later to them. It shows that the petitioner was junior in the



W.P.No.1013 of 2016

WEB COPY

seniority list as three persons are ahead of her. Therefore, the appointment of the petitioner has been rightly cancelled *vide* the impugned order and this Court finds no reason to interfere with the said order.

Accordingly, this writ petition stands dismissed.

Consequently, connected W.M.Ps. stand closed. No costs.

29.07.2024

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

ssa

To

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2.The Tahsildar,
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WEB COPY



W.P.No.1013 of 2016

P.T.ASHA, J.,

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W.P.No.1013 of 2016

29.07.2024

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