



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3339 of 2023
and W.M.P.Nos.3399, 3400 & 3401 of 2023

Amala

... Petitioner

Vs.

1.District Collector,
Office of the District Collector,
Villupuram District.

2.The Revenue Tahsildar,
Tindivanam Taluk,
Villupuram District.

3.N.Vanitha

... 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 2nd respondent order in Na.Ka.A5/3461/2022 dated 19.01.2023 and quash the same, directing the Respondent to consider and dispose the Petitioners application dated 2.11.2022 so as to provide employment to the Petitioner as village



Assistant within limit of the Petitioner's village and within the time frame to be fixed by this Court.

For Petitioner : Mr.S.Seenuvasan

For Respondents : Mrs.V.Yamundevi
Special Government Pleader
for R1 and R2

Mr.R.Balasubramaniam for R3

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent dated 19.01.2023 and for a consequential direction to the respondents to provide employment to the petitioner as Village Assistant at Melpettai village.

2.The case of the petitioner is that the petitioner belongs to the Scheduled Caste community and she is a resident of T.Panchalam Village. The further case of the petitioner is that Notification dated 10.10.2022 was issued by the 1st respondent for filling up the post of Village Assistant. Totally 19 vacancies were identified. Applications were called for and the petitioner also applied for the post of Village Assistant. The petitioner attended the interview and the petitioner



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had specifically applied for the post of Village Assistant in the Melpettai village.

3.The grievance of the petitioner is that the 3rd respondent who belongs to Kizh Karanai village was selected for the post of Village Assistant. The same has been put to challenge in the present writ petition.

4.The 2nd respondent has filed a counter affidavit. The 2nd respondent has taken the following stand:

6B). With regard to the averments raised in para 7 to 11 of the affidavit it is submitted that this respondent has published appropriate notifications on 10.10.2022 to fill up 19 vacancies of Village Assistant posts in Tindivanam taluk, where in it has been clearly earmarked that the post of Village Assistant pertaining to Melpettai village is reserved to Scheduled Caste, Women and under Non Priority category. It is pertinent to note that in the online application dated 02.11.2022 itself the writ petitioner has applied to Melpettai village only and not to other villages pertaining to Scheduled caste or General Turn.

6C). Further, it is humbly submitted that subsequent to the



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Orders of the Hon'ble Madurai Bench of Madras High Court in W.P (MD) No. 19924 of 2013, dated. 14.06.2019, the government have issued certain guidelines for the appointment of Village Assistant post vide G.O. (Ms) No. 574, Revenue and Disaster Management Department, Ser.8(1) Section, dated. 17.10.2020 and wherein it has been clearly narrated the criteria to be followed and the marks to be awarded for each criteria, such as Education Qualification, Riding / Driving Skill, Reading and Writing Skill, Interview marks and including the Nativity of the applicants. At this instant case, this respondent have adhered the norms specified in the above government order and hence the selection process is not arbitrary.

5.The 3rd respondent has also filed a counter affidavit. The 3rd respondent has taken a stand that the notification does not specifically provide for selection only from the same village and the notification makes it clear that it can be from the same taluk. Therefore, according to the 3rd respondent, the Kizh Karanai village also falls within the Tindivanam Taluk and therefore, the selection of the 3rd respondent is in line with the notification. Accordingly, the 3rd respondent has sought for the dismissal of this writ petition.



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6. When the matter came up for hearing on 19.08.2024, this Court passed the following order:

The learned Government Advocate appearing on behalf of the 1st and 2nd respondents seeks for sometime to provide correct particulars regarding the marks obtained by the petitioner and the 3rd respondent. That apart, the learned Government Advocate shall also take instructions with respect to the residence of the 3rd respondent, who is said to belong to Kizh Karanai Village which is 5 kms away from Melpettai Village. According to the petitioner, the candidate must belong to the same village and must reside there which is mandatory under the conditions for appointment.

2. Post this case under the caption 'for orders' on 02.09.2024.

7. When the matter was taken up for hearing today, the learned Special Government Pleader appearing on behalf of the 1st and 2nd respondents based on the written instructions received submitted that the petitioner had secured 62 marks and whereas, the 3rd respondent had secured 71 marks.

8. Insofar as the issue raised by the petitioner that the 3rd respondent does



not belong to the same village, the learned Special Government Pleader submitted that the notification made it clear that the candidate must belong to the same taluk and the village from which the 3rd respondent comes also falls within Tindivanam Taluk. Therefore, considering the marks obtained by the 3rd respondent and she also residing within the same taluk, was found to be eligible and hence was appointed as Village Assistant.

9.The learned counsel for the petitioner submitted that this notification issued by the 1st respondent goes against the Government Order which stipulates that the candidate must be from the same village. To substantiate the same, the learned counsel also placed reliance on the clarification issued by the Government with respect to G.O.Ms.No.574, dated 17.10.2020. The learned counsel submitted that there is insistence that the candidate must belong to the same village and since the 3rd respondent does not belong to the same village, the candidature of the 3rd respondent must be rejected.

10.The learned counsel also placed reliance upon the order passed by this Court in W.P.No.25153 of 2018 dated 11.07.2022. The learned counsel submitted that in this order, this Court made it clear that there must be selection



based on three layers. The first layer is to see if the candidate belongs to the same hamlet. If there is no one available in the hamlet, then the second layer is to see whether the candidate belongs to the same village. If no candidate is available in the same village, then preference and selection can be made from the candidate who is driving in near by village. This is the third layer that was insisted.

11.The learned counsel submitted that even though, the above order was passed for an Anganwadi Worker post, the same principle must be applied in the present case also.

12.In the considered view of this Court, the entire selection is based upon the notification issued by the 1st respondent. In the notification dated 10.10.2022, the specification was that the candidate must belong to the same division/taluk. The notification does not insist that the candidate must belong to the same village. In view of the same, the 1st and 2nd respondents have taken into consideration the candidates who all fell within the same taluk and who belong to the various villages in that taluk. There is no dispute with regard to the fact



that the petitioner and the 3rd respondent belong to two different villages which falls within Tindivanam Taluk.

13. The 3rd respondent has admittedly secured 71 marks which is more than the marks secured by the petitioner viz., 62 marks. If according to the petitioner, the notification issued by the 1st respondent is not in line with the Government Order, the notification itself must be put to challenge by the petitioner. The petitioner having participated in the selection under the notification issued by the 1st respondent, cannot be allowed to turn back to question the notification itself after the petitioner failed to get selected. In view of the same, the selection of the 3rd respondent as Village Assistant is perfectly in line with the recruitment notification. Hence, the selection of the 3rd respondent cannot be interfered by this Court.



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14. In the result, this writ petition stands dismissed. At this juncture, the learned counsel for the petitioner submitted that the petitioner was called for an enquiry by the 2nd respondent and was informed that if there is any vacancy in any of the post of Village Assistant, the name of the petitioner will be considered. This consideration of the name of the petitioner if any vacancy arises, can be done independently without any reference to the order passed in this writ petition. No Costs. Consequently, connected miscellaneous petitions are closed.

02.09.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1. District Collector,
Office of the District Collector, Villupuram District.

2. The Revenue Tahsildar,
Tindivanam Taluk, Villupuram District.



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N. ANAND VENKATESH, J.

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