



W.P.No.26967 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.26967 of 2010

and

M.P.Nos.1 & 2 of 2010

R.Venkatachalam

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Namakkal District, Namakkal.

2.The Tahsildar,
Rasipuram Taluk,
Rasipuram, Namakkal District.

3.A.Govindaraju

4.S.Dhanasekaran

5.A.Vincent Raja

6.K.Logitha

7.B.Selvi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus Calling for the records of the 2nd respondent in connection with the impugned orders passed by



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him in Proceedings 1) Pro.Na.Ka.No.12353/10/A4 dated 02.11.2010; 2) Pro.Na.Ka. No.12353/10/A4 dated 02.11.2010; 3) Pro.Na.Ka.No.12353/10/A4 dated 02.11.2010; 4) Pro.Na.Ka. No.12353/10/A4 dated 02.11.2010 and 5) Pro.Na.Ka.No.12353/10/A4 dated 02.11.2010 of the 2nd respondent, appointing the respondents 3 to 7 as Village Assistants of Kurukkapuram, Periyakombai, Perumakavaundampalayam, Murthuruttu and Mavaar villages in Rasipuram Taluk Namakkal District and to quash the same and to issue consequential directions to appointment the petitioner as Village Assistant in any one of those villages with retrospective effect from the date of joining duty of respondents 3 to 7 in those villages.

For Petitioner : Mr.M.Ravi

For R1 & R2 :Mr.D.Gopal
Government Advocate

For R3 to R7 : No appearance

ORDER

This petition is filed to call for the records of the 2nd respondent in connection with the impugned orders passed by him in proceedings 1) Pro.Na.Ka.No.12353/10/A4, dated 02.11.2010; 2)Pro.Na.Ka. No.12353/10/A4, dated 02.11.2010; 3) Pro.Na.Ka.No.12353/10/A4,



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dated 02.11.2010; 4) Pro.Na.Ka. No.12353/10/A4, dated 02.11.2010 and 5) Pro.Na.Ka.No.12353/10/A4, dated 02.11.2010, appointing the respondents 3 to 7 as Village Assistants of Kurukkapuram, Periyakombai, Perumakavaundampalayam, Murthuruttu and Mavaar villages in Rasipuram Taluk, Namakkal District and to quash the same and to issue consequential directions to appoint the petitioner as Village Assistant in any one of those villages with retrospective effect from the date of joining duty by respondents 3 to 7 in those villages.

2.It is submitted by the learned counsel for the petitioner that the petitioner belongs to BC Community and studied upto 12th standard. He registered his name with the District Employment Exchange, on 19.07.1999. He was sponsored by the District Employment Exchange, Namakkal, for appointment to the post of Village Assistant. The Tahsildar, Rasipuram, called for an interview on 15.10.2010. He is fully qualified for the selection to the post of Village Assistant. He was under the bonafide impression that he would be selected by virtue of seniority and his community status as ST and other qualification. However, he found to his shock that respondents 3 to 7 were appointed. Therefore,



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appointments are in utter violation of the rules of appointment. As per Rule 5 of the Tamil Nadu Village Servants Service Rules, the upper age limit is 30 years, in case of persons belonging to BC/MBC/DNC/SC & ST, the upper age limit is 35 years. The age of the third respondent was 41 years and seventh respondent was 42 years. It is prescribed that the persons to be appointed should belong to the village to which he is appointed or the adjoining village, if no suitable candidate is available. Respondents 3 to 7 are residing far away from the village. Fourth respondent had registered with the District Employment Exchange only on 11.11.2009. Therefore, the selection of respondents 3 to 7 is irregular, illegal and violative of the relevant rules and thus this writ petition.

3.In response to this submission, the learned counsel for the respondents 1 & 2 submitted that the Government of Tamil Nadu issued orders by its Ref.Na.Ka.No.Va.Ni/14946/2010, dated 31.03.2010, to all the District Collectors to take appropriate steps to fill 2174 posts of Village Assistant. Under the jurisdiction of the second respondent, there were 13 posts lying vacant. The second respondent vide letter Ref.Na.Ka.No.123553/10/A4, dated 21.07.2010, requested the District



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Employment Exchange Officer, Namakkal, to sponsor eligible candidates for 13 posts of Assistant. 13 posts were divided only the basis of the communal roaster as follows:

<i>Sl.No.</i>	<i>Category</i>	<i>No. of vacancy</i>
1.	OC	4
2.	MBC	3
3.	BC	4
4.	SC	2

4. There is no post available for ST candidates. Call letters have been sent to 65 candidates. 57 persons appeared for interview on 15.10.2010. So far as Melur village is concerned, the Tamil Nadu Schedule Tribe Association gave a representation to the Tahsildar that since Melur is situated in a Hilly area, only the persons residing within the village belonging to ST community may be posted. Therefore, the selection to the post of the Village Assistant to Melur village was deferred.

5. After scrutinizing the applications and as per the interview, private respondents were appointed. These candidates are covered under the Government Order of age relaxation, in view of the ban issued by the



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ban order and G.O.Ms.No.114, P & AR (S) Department, dated 11.08.2010. The selected list was forwarded to the Revenue Divisional Officer and it was confirmed on 01.11.210. All the 12 selected candidates joined duty on 09.11.2010 with a condition to reside in the village where they are posted. The private respondents are selected and posted, following the rules of appointment. There is no violation and thus prays for dismissal of this petition.

6.Considered the rival submissions and perused the records.

7.From the submissions of the learned counsel appearing for the parties and the perusal of the records, it is seen that communal roaster had been followed in the selection of the posts of the Village Assistants for 13 posts coming under the jurisdiction of the second respondent. As per the communal roaster, there is no post for ST candidates. Petitioner claims in paragraph No.3 that he belongs to BC community. But in paragraph No.4, he claims that he belongs to ST community. If he belongs to ST community, he is not entitled for consideration. There is no material produced to show that he belongs to BC community.



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8. With regard to the alleged violation pointed out by the learned counsel for the petitioner, it is clarified by the respondent that the private respondents were covered under the G.O.Ms.No.114, P & AR (S) Department, dated 11.08.2010 for considering the age relaxation. There are no materials filed to show that the private respondents are living in the villages, in which they are posted. However, all of them had given undertaking to reside in the villages in which they are posted. Infact, they are now residing in the same village as seen from the counter affidavit of the respondents. Therefore, this Court finds that there are no merits to interfere with the selection and appointment of the private respondents 3 to 7.

9. In this view of the matter, this writ petition is dismissed. Parties are directed to bear their own costs. Consequently, connected miscellaneous petitions are closed.

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Internet: Yes
Index: Yes/No
Speaking/Non speaking order
NCC: Yes/No

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G.CHANDRASEKHARAN, J.

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To:

1. The Revenue Divisional Officer,
Namakkal District, Namakkal.
2. The Tahsildar,
Rasipuram Taluk,
Rasipuram, Namakkal District.

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