



Writ Petition No.4359 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.4359 of 2023
and WMP No.4404 and 4405 of 2023

C.Sivaguru

.. Petitioner

Vs.

1. The Collector,
O/o.Collectorate
Nagapattinam District.

2. The Tahsildar,
Thirukuvalai,
Nagapattinam District.

3. Aswin Kumar

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorified Mandamus to call for the records of the 2nd respondent in his proceedings Na.Ka.No.31162022 dated 13.01.2023 and quash the same in respect of the appointment of 3rd respondent as null and void and consequently, direct the 2nd respondent to



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appoint the petitioner as VAO Assistant in Vedaranyam Division,
Thirukuvalai Taluk, Nagapattinam District.

For Petitioner : Mr.K.Muruganantham

For Respondents : Mr.P.Anandakumar
Government Advocate
for R1 and R2

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent dated 13.01.2023 and to declare the appointment of the 3rd respondent as null and void and for a consequential direction to the 2nd respondent to appoint the petitioner as the VAO Assistant.

2. The case of the petitioner is that the 2nd respondent issued notification calling for applications to fill up the post of VAO Assistant. The petitioner applied through on-line. The grievance of the petitioner is that the 3rd respondent was appointed to the said post even though the petitioner had secured better marks. It is under these circumstances, the writ petition came to be filed before this court.

3. The 2nd respondent has filed a counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:-



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7. Thiru C.Sivaguru, the writ petitioner has applied for the post of Village Assistant in Tholluthur Village under the prescribed category. The writ petitioner had obtained only 83 marks, whereas the 3rd respondent has obtained more marks than the writ petitioner (i.e,) 84 marks. Resultantly, the 3rd respondent was declared successful and appointed as Village Assistant in Tholuthur Village, Thirukkuvalai Taluk. The recruitment process was successfully completed and appointment orders were issued to selected candidates in strict compliance with recruitment rules and prevelant government guidelines. The marks obtained by the writ petitioner and 3rd respondent is tabulated hereunder for better appreciation.

Sl.No.	Criteria	Maximum	Aswin Kumar (3 rd respondent)	C.Sivaguru (Petitioner)
1.	Educational qualifications	10	7	10
2.	Driving Skills	10	10	7
3.	Native Village	25	20	25
4.	Written skills	15	14	13
		15	14	14
5.	Reading Skills	5	4	4
		5	4	3
6.	Interview marks	15	11	07
	Total	100	84	83

9. The averments made in Para 4 are incorrect and the writ petitioner is put to strict proof of the same. The 3rd respondent got highest marks among candidates and resultantly selected for the post of Village Assistant in Tholuthur Village. The



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appointment orders were issued after verification of particulars of the 3rd respondent. There is no infraction in the recruitment process.

4. Heard Mr.K.Muruganantham, learned counsel for the petitioner and Mr.P.Anandakumar, learned Government Advocate for respondents 1 and 2.

5. The short issue that arises for consideration is as to whether the appointment of the 3rd respondent to the post of VAO Assistant is illegal and that the petitioner alone is qualified to be appointed to the said post.

6. The notification was issued by the 2nd respondent calling for applications from eligible candidates to fill up 10 vacancies of Village Assistant. Totally, 504 candidates applied for the said post. The scheme of the recruitment process consist of written examination, reading test and interview and various marks were specifically allotted.

7. The marks that were allotted to the petitioner and the 3rd respondent has been extracted in Paragraph 7 of the Counter affidavit. It is seen that those marks were allotted in line with the prescription given under



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the Notification. This Court does not find any illegality in the appointment of the 3rd respondent and the 3rd respondent has certainly secured more marks than the petitioner.

8. In the light of the above, this Court is not inclined to interfere with the appointment of the 3rd respondent and accordingly, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To
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2. The Tahsildar,
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