



W.P.No.24799 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.24799 of 2012

and

M.P.No.2 of 2012

P.Rajadurai

...Petitioner

-Vs-

- 1.The Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai – 600 005.
- 2.The Principal Secretary and Commissioner of Revenue Admin,
Chepauk, Chennai – 600 005.
- 3.The District Collector,
Tiruvannamalai District.
- 4.The District Employment Officer,
Tiruvannamalai.
- 5.The Revenue Divisional Officer,
Tiruvannamalai Thaluk and District.
- 6.The Tahsildar, Polur,
Tiruvannamalai Thaluk and District.
- 7.K.Viswanathan
- 8.A.Indira



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9.A.Arumugam

10.Saravanan

11.M.Sekar

12.L.Vijayakumar

13.R.Mani

14.C.Arumugam

15.P.Lurthusamy

16.P.Haiyath

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, to call for the records related to the selection list dated 21.07.2011 issued by the 6th respondent and subsequently which was send for appointment to the 5th respondent in Na.Ka.No.A3/695/2007 dated 07.2011 to quash the same and to direct respondents 1 to 6 to follow the reservation and roster system as per the G.O.No.521 dated 17.06.1998 in appointment for the said post of village servants service, to assist the Village Administrative Officer and to pass such further orders.

For Petitioner : M/s.G.Devi

For Respondents : Mr.M.Rajendiran
Additional Government Pleader



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ORDER

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This writ petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the selection list dated 21.07.2011 issued by the 6th respondent and subsequently which was sent for appointment to the 5th respondent vide Na.Ka.No.A3/695/2007 dated Nill.07.2011 and to direct respondents 1 to 6 to follow the reservation and roster system as per the G.O.Ms.No.521 dated 17.06.1998 in appointment for the post of village servants service to assist the Village Administrative Officer.

2. The case of the petitioner is that the petitioner passed IX standard from the Government High School, Vilvarani, in the year 1985. He registered his name in the office of the Tiruvannamalai District Employment Office in registration No.57427/90 dated 13.12.1990 seeking for a suitable job. He has been renewing the same for the past 21 years in the concerned employment office. He also belonged to the scheduled cast, Hindu Adi-Dravida caste recognized by the State Government.

3. Learned counsel for the petitioner submitted that the Tamil Nadu State Revenue Department had conducted the written examination and



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published the state seniority list for the post of Village Servants service to assist the Village Administrative Officer. The educational qualification for the above said service was above V standard and for the said post the person shall be able to ride a bicycle and shall belong to the village to which they were selected or the adjoining village if no suitable candidate is available from the village.

4. Learned counsel further submitted that he was selected in the written examination and was called for the interview by letter dated 22.06.2011 bearing Na.Ka.No.3/695/2007 along with relevant documents. The said selection of the Tamil Nadu Village Assistants Service should be made based on the reservation roster method and as per G.O.Ms.No.521 dated 17.06.1998 which prescribes the provisions for the appointment of the said posting. The circular letter of the District Collector of Tiruvannamalai dated 27.06.2011 in letter No.A2/74683/2006 recommends that 20 extra marks shall be added to the person who attends the interview and belongs to the local village for which the interview was conducted.



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5. Learned counsel further submitted that there are 24 vacant posts of Village Servants Service in the Revenue Department of Tiruvannamalai District, for which eligible candidates have been called to attend the interview. The interview call letter was sent through employment exchange through which 47 candidates attended the interview and 10 candidates were selected based on the interview conducted on 01.07.2011, in which the petitioner participated as one of the candidates and obtained 71 marks in the written and interview conducted by the Tahsildar of Polur Taluk, Tiruvannamalai, the 6th respondent herein.

6. Learned counsel further submitted that when the petitioner enquired about the appointment for the above said post, he came to know that 10 candidates were selected for the above said post and further a list of selected candidates was sent to the District Collector for appointment. When he personally represented himself before the Tahsildar and pleaded his grievance for the said post in Ladavaram Village in Polur Circle at Tiruvannamalai District, he came to know that the candidate who had secured a lower mark than him was selected in the selection list, and moreover, the candidate residence was 14 km from the said village where he



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was posted, whereas the petitioner resides 7 km from the said village, but the officials had never turned up and not replied. The selection list was made against the G.O.Ms.No.521 dated 17.06.1998 and they had not followed the procedures prescribed in the Government Order and roster prescribed.

7. Learned counsel further submitted that since there was no response and proper reply from the respondents, he sent notice under the Right to Information Act to get information regarding the appointment for the said post. He received a reply that 10 members were selected for the said post and their names were sent for appointment before the District Collector, Tiruvannamalai.

8. Learned counsel further submitted that the selection list made out of the above said post is contrary to the said G.O.Ms.No.521 dated 17.06.1998 apart from the reservation policy of the State Government. The respondents ought to have appointed 18% of scheduled caste candidates as per the reservation roster method, but as per the reply notice in Na.Ka.No.A3/13569/2011 dated 25.08.2011 from the Deputy Tahsildar of Polur Circle, it shows that in the above selection list, no candidate from the



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scheduled caste was selected for the said post, which is contrary to the policy of the State Government. Aggrieved by the same, the petitioner has come forward with the present writ petition.

9. A counter affidavit was filed on behalf of the respondents.

10. Learned Additional Government Pleader appearing for the respondents submitted that the petitioner states about his educational qualification, caste and the registration of his name in the District Employment Officer, Tiruvannamalai. A list of 77 eligible candidates for the appointment of 15 Village Assistants has been obtained from the District Employment Office, Tiruvannamalai by the Tahsildar, Polur. Interview intimations have been sent to those appearing for the interview in this office on 22.06.2011. The Tahsildar Polur conducted interview on 22.06.2011. As per the Collector's proceedings A4/74683/2006 dated 27.06.2011, the District Supply Officer, Tiruvannamalai, again conducted an interview on 01.07.2011. Only 47 persons appeared for the interview on 01.07.2011. The District Supply Officer, Tiruvannamalai, has selected 10 candidates for the appointment of Village Assistant under the eligibility of various items of oral



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interview. One post of Village Assistant has been filed up as per Tiruvannamalai District Collector's proceedings A3/9068/2008 dated 06.01.2012 under compassionate grounds and the remaining 4 posts of Village Assistant are vacant.

11. Learned Additional Government Advocate further submitted that as the eligible candidates had not appeared for interviews on 22.06.2011 and 01.07.2011 the above posts were vacant. Further, the 10 persons selected and appointed as Village Assistant in the Villages come under several categories as per Tamil Nadu State and subordinate services into 200 point roster, providing SCO, SCA, MBC/DNT, BCM, BCO and OC under priority and non-priority. In this case, Thiru.P.Rajadurai comes under the non-priority (General) SCO. As there is no vacancy under the category of non-priority (General) SCO the petitioner has not been selected as Village Assistant in this Taluk. The selection of Village Assistants has been made as per the Tamil Nadu State and Subordinate Services into 200 point roster providing SCO, SCA, MBC/DNT, BCM, BCO and OC under priority, non-priority and General turn communal rotation.



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12. Learned Additional Government Pleader further submitted that as per the Collector's proceedings A4/74683/2006 dated 27.06.2011, the District Supply Officer, Tiruvannamalai again conducted an interview on 01.07.2011. Only 47 persons appeared for the interview on 01.07.2011. The District Supply Officer, Tiruvannamalai, has selected 10 candidates for the appointment of the Village Assistant under oral interview. Only 10 persons were selected by the District Supply Officer, Tiruvannamalai, and appointment orders have been issued to the individuals after obtaining the approval of the Revenue Divisional Officer, Tiruvannamalai, vide Rc.A2/10016/2006 dated 30.07.2011. The Village Ladavaram comes under priority B.C.(Muslim) category and therefore eligible candidates belonging to the Muslim community have been selected and appointed. The Village Assistants have been selected as per the Government Rules and Regulations and also as per the communal rotation prescribed by the Government.

13. Heard both sides and perused the materials available on record.

14. In the case on hand, when the petitioner personally represented himself before the Tahsildar and pleaded his grievance for the said post in



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Ladavaram Village in Polur Circle at Tiruvannamalai District, he came to know that the candidate who had secured a lower mark than him was selected in the selection list, and moreover, the candidate residence was 14 km from the said village where he was posted, whereas the petitioner resides 7 km from the said village, but the officials had never turned up and not replied. The selection list was made against the G.O.Ms.No.521 dated 17.06.1998 and they had not followed the procedures prescribed in the Government Order and roster prescribed. **It is pertinent to note that Ladavaram Village comes under the priority B.C(Muslim) category and therefore eligible candidates belonging to the Muslim community have been selected and appointed. The Village Assistants have been selected as per the Government Rules and Regulations and also as per the communal rotation prescribed by the Government whereas the petitioner belongs to the Scheduled Cast, Hindu Adi-Dravida caste, hence he is not entitled to the post of Village Assistant.**

15. In view of the above factual matrix of the case, the selection list dated 21.07.2011 issued by the 6th respondent and subsequently sent for appointment to the 5th respondent vide Na.Ka.No.A3/695/2007 dated



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Nill.07.2011 that does not warrant any interference from this Court and the same is hereby confirmed.

In the result, the **writ petition stands dismissed**. No costs.

Consequently, connected miscellaneous petition is closed.

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cda

Index : Yes/No

Speaking/Non Speaking order

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