



WEB COPY



W.A.No.549 of 2022 & WP.Nos.1588 & 2425 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE G. ARUL MURUGAN**

**W.A.No.549 of 2022 and
WP.Nos.1588 & 2425 of 2012 and
MP.Nos.1, 1, 2 & 2 of 2012**

WA.No.549 of 2022

T.Kathirvel

... Appellant

vs.

1.The District Collector
Thiruvallur District,
Thiruvallur.

2.The Revenue Divisional Officer
Thiruthani
Thiruvallur District.

3.The Tahsildar
Tiruttani Taluk
Thiruvallur District.

.. Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent to set aside
the order dated 20.12.2021 passed in WP.No.18608 of 2014 and allow
the above Writ Appeal.



W.A.No.549 of 2022 & WP.Nos.1588 & 2425 of 2012

AND

WP.No.2425 of 2012

G.Sridevi

... Petitioner

vs.

1.The District Collector
Thiruvallur District,
Thiruvallur.

2.The Revenue Divisional Officer
Thiruthani
Thiruvallur District.

3.The Tahsildar
Thiruttani Taluk
Thiruthni
Thiruvallur District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus to call for the records relating to the order passed by the 2nd respondent in Na.Ka.A1/2715/2011 dated 9.1.2012, quash the same, in so far as the petitioner is concerned and further direct the respondents 1 to 3 herein to continue the employment of the petitioner as per their appointment order dated 19.11.2011.

AND



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WP.No.1588 of 2012

- 1.G.Vinayagam
- 2.V.Arumugam
- 3.D.Saravanan
- 4.M.Suresh
- 5.T.Kumar
- 6.S.Sampath

... Petitioners

vs.

- 1.The District Collector
Thiruvallur District,
Thiruvallur.
- 2.The Revenue Divisional Officer
Thiruthani
Thiruvallur District.
- 3.The Tahsildar
Thiruttani Taluk
Thiruthni
Thiruvallur District.
- 4.The Tahsildar
Pallipattu Taluk
Thiruvallur District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus to call for the records relating to the order passed by the 2nd respondent in Na.Ka.A1/2715/2011 dated 9.1.2012, quash the same, further direct the respondents 1 to 4 herein to continue the employment of the petitioners as per their appointment orders dated 19.11.2011.



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Case Nos.	For Appellant/ For Petitioners	For Respondents
WA.No.549 of 2022	Mr.L.Dhamodharan	Mrs.V.Yamunadevi, Special Government Pleader
WP.Nos.2425 & 1588 of 2012	No Appearance	Mrs.V.Yamunadevi, Special Government Pleader

COMMON JUDGMENT

(Order of the Court was made by Mr.ARUL MURUGAN.,J)

The writ petitioner, who had approached the writ Court for declaration of the results pursuant to the interview conducted on 17.02.2012 and for a consequential direction for issuance of an appointment order which was unsuccessful, challenged the order of the writ Court dated 20.12.2021, by way of present appeal.

2.According to the appellant, the Employment Office, Thiruvallur District had sponsored candidates for selection to the post of Village Assistants wherein the appellant had participated. Even though the interview process was completed in the year 2012, the results were not declared and in this regard, he had preferred the writ petition.

3.Before the writ Court, the respondents have filed a counter



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affidavit stating that based on the candidates sponsored by the District Employment Exchange, six of them were selected and also they have been given appointment. However subsequent to passing of the orders by the second respondent dated 09.01.2012, their appointments came to be cancelled and a revised list of eligible candidates for the remaining vacant posts of 7 Village Assistants were again called for on 17.12.2012.

4.In the meantime, the orders of cancellation was stayed by this Court and based on the orders passed in contempt petition, they have been reinstated. As such it has been reported by the third respondent that 65 incumbents have been working in the 65 Revenue Villages in Tiruttani Taluk and as such no posts of Village Assistants has been left out and in such circumstances, there is no possibility of considering, who were called for to attend the interview on 17.02.2012.

5.When the above appeal is taken up for hearing, learned Government Advocate appearing for the respondents, on instructions, submits that as against the vacancies of 65 posts of Village Assistants in the Tiruttani Taluk, there was only an actual vacancy of 10 posts and out of which 3 posts have been filled up by providing employment on compassionate grounds and in respect of the balance 7 posts, 6 of the candidates, who have already been sponsored by the employment



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exchange have been re-appointed in such posts on 17.02.2012. As such, there was no available vacancies in any of the Revenue Villages for the petitioner to be considered for appointment.

6.In such circumstances, we do not find any error or infirmity in the order passed by the learned Judge in dismissing the writ petition by holding that since there are no vacancies available in any of the Revenue Villages, the petitioner's claim cannot be considered.

7.However, learned Government Advocate also submits that since as on date there are vacancies and if any recruitment is called for in respect of the available vacancies, the appellant is at liberty to participate in the appointment process which will be considered on its own merits.

8.Recording the above submissions, this writ appeal stands dismissed. No costs.

9.These two writ petitions viz., W.P.No.1588 & 2425 of 2012 has been listed today along with W.A.No.549 of 2022.

10.The issue raised in both the writ petitions are one and the same. The writ petitioners were originally selected and subsequently their appointments came to be cancelled but stayed in view of the interim order. Based on the orders passed in the contempt, they have been reappointed in service and they are working as Village Assistants in



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Tiruttani Taluk, who are also covered in the 6 posts which have mentioned in the paragraph 5 supra.

11.Thus, in light of the order passed in W.A.No.549 of 2022, and since the persons, are re-appointed and are already continuing in their services, no further orders are required in the writ petitions and the same stands closed. No costs. Connected miscellaneous petitions are also closed.

**[A.S.M., J] [G.A.M., J]
12.12.2024**

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

vs

To

- 1.The District Collector
Thiruvallur District, Thiruvallur.
- 2.The Revenue Divisional Officer
Thiruthani Thiruvallur District.
- 3.The Tahsildar
Tiruttani Taluk, Thiruvallur District.
- 4.The Tahsildar
Pallipattu Taluk, Thiruvallur District.



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W.A.No.549 of 2022 & WP.Nos.1588 & 2425 of 2012

DR. ANITA SUMANTH,J.
and
G. ARUL MURUGAN.,J

VS

W.A.No.549 of 2022 and
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