



W.P.No.6152 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.6152 of 2023 and
WMP.Nos.6170 & 28960 of 2023

B.Kavitha

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
Fort St.George, Chennai 600 009
- 2.The District Collector,
Nagapattinam District,
Nagapattinam
- 3.The District Revenue Officer,
O/o. the District Revenue Officer,
Nagapattinam
- 4.The Commissioner of Revenue Administration,
O/o the Commissioner of Revenue Administration,
Chepauk, Chennai 600 005
- 5.The Revenue Divisional Officer,
O/o the Revenue Divisional Officer,
Nagapattinam
- 6.The Special Tahsildar,
Social Security Scheme,
Thirukkuvalai, Nagapattinam District
- 7.The Deputy Tahsildar (Head Quarters)
Tahsildar Office,
Thirukkuvalai, Nagapattinam District
- 8.The Tahsildar,
O/o.Tahsildar Office,
Thirukkuvalai, Nagapattinam District



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9.L.Lavanya

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records in connection with the impugned appointment order Na.Ka.31162022/AA2 dated 13.01.2023 issued by the Tahsildar, Thirukkuvalai, the 8th respondent herein and quash the appointment of Village Assistant in respect of Mela Vazhakkari Village (Serial No.1) and consequently direct the respondents 1 to 8 to appoint the petitioner as Village Assistant of Mela Vazhakkari Village.

For Petitioner : Dr.R.Sampath Kumar

For Respondents

For R1 to 8 : Mr.G.Velu,
Additional Government Pleader

For R9 : Mr.D.S.Rajasekaran
for Mr.G.Mohanakrishnan

ORDER

This writ petition has been filed challenging the order dated 13.01.2023 of the eighth respondent thereby appointed the ninth respondent as Village Assistant in the Melavazahakarai Village, Thirukkuvalai Taluk, Nagapattinam District.



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2. Notification dated 10.10.2022 was issued for recruitment to the post of Village Assistant in Nagapattinam District. The petitioner is being qualified with B.C.A. degree, applied for the said post on 12.10.2022 through online. After scrutinising her application, she was permitted to write examination on 04.12.2022. She was successful in the written examination and she was called upon for interview to be held on 27.12.2022. The members of the Interview Committee consisted of the the Tahsildar, the Deputy Tahsildar and the Special Tahsildar i.e. respondents 6 to 8 herein. Though the petitioner had done well in the interview, the ninth respondent was awarded full marks in the interview and she was appointed in the post of Village Assistant.

3. The learned counsel appearing for the petitioner would submit that the petitioner secured 87% in the 10th standard and secured 74 % in Higher Secondary Examination. In her degree, she secured 80% marks and she had full acquaintance with computer application knowledge. Therefore, her service can be utilised for all purposes, that too in the technical era. Whereas the ninth respondent is qualified with only 10th standard. She was given full marks in the interview and she



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was selected to the said post. That apart, the ninth respondent is not belong to the Village of Melavazhakarai and she belongs to an adjacent village i.e. Kilvelur village. Though there is no bar to appoint a person belongs to other village, when a well qualified candidate is very much available in the native village, the eighth respondent ought not to have appointed the ninth respondent, that too from an adjacent village. Therefore, the petitioner applied for information under Right to Information Act with regards to the marks secured by the petitioner as well as the ninth respondent. The petitioner was provided with information under the Right to Information Act stating that the ninth respondent secured higher marks than the petitioner. Whereas in the counter filed by the eighth respondent revealed that both the petitioner and the ninth respondent scored same marks as 80 and since the ninth respondent is senior to the petitioner and as such, she was selected and appointed as Village Assistant in Melavazhakarai Village. Both the statements are contrary to each other and as such, only to accommodate the ninth respondent, she was given more marks in the interview and she was selected to the said post.



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3.1 He further submitted that the ninth respondent was elected Councillor in Kilvelur Panchayat and only just before her joining, she resigned the post and joined as Village Assistant. Therefore, under the influence of politicians, though the ninth respondent was ineligible and unfit candidate, she was appointed as Village Assistant. He further submitted that the ninth respondent was awarded 5 marks in the driving skills, that too without conducting skill test to know the driving. Therefore, this court directed the eighth respondent to produce original files with regards to the appointment of the ninth respondent to the post of Village Assistant. The eighth respondent produced the files consisting applications, answer sheets of the written examination and annexures.

4. The learned counsel for the ninth respondent would submit that the ninth respondent had written the examination and qualified for interview. In the interview, she got full score and she was selected and appointed to the post of Village Assistant. There is absolutely no bar to appoint neighbouring village candidates to the post of Village Assistant. Only after resignation of her post as Ward Member, she had joined in the post of Village Assistant. The petitioner who was unsuccessful in the



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selection process, is now challenging the order of appointment of the ninth respondent to the post of Village Assistant without any valid ground.

5. Heard, the learned counsel appearing on either side.

6. Counter has been filed by the eighth respondent. The marks obtained by the petitioner and the ninth respondent are as follows:

S. No	Criteria	Maximum	B.Kavitha / writ petitioner	L.Lavanya / 9 th respondent
1	Education Qualifications	10	10	07
2	Driving Skills	10	4	5
3	Native village	25	25	20
4	Written skills	15	15	14
		15	15	12
5	Reading skills	5	3	5
		5	3	5
6	Interview marks	5	5	12
	Total	100	80	80

7. The petitioner is a graduate in BCA and she scored very good marks in the 10th standard as well as her higher secondary



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examination. Whereas the ninth respondent is qualified with only 10th standard and as such, for education qualifications, the petitioner was awarded 10 marks and 9th respondent was awarded 7 marks. The second criteria is driving skills. On perusal of the application submitted by the ninth respondent, she did not produce any driving licence and she categorically stated that she had no licence to drive two wheeler or four wheeler. While being so, on what basis, the eighth respondent awarded five marks to the ninth respondent and four marks to the petitioner is not explained by the eighth respondent. Further, in the criteria of reading skills, the petitioner was awarded three marks in English reading and three marks in Tamil reading. Whereas, the ninth respondent was awarded 5 marks in English reading and 5 marks in Tamil reading. On perusal of answer sheets in the written examination, it shows the skill of the petitioner in writing and the way of answering to the questions. The presentation itself is very neat and the handwriting is also legible and beautiful. Whereas the answer sheet of the ninth respondent shows that she is not capable to write in English and Tamil. Therefore, the marks awarded to the ninth respondent as (5+5) in the reading skills of Tamil and English is not proper. That apart, finally in the interview, the



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petitioner was awarded only 5 marks and the ninth respondent was awarded 12 marks. This Court is not able to understand on what basis the petitioner as well as the ninth respondent were awarded marks in the interview by the eighth respondent.

8. On perusal of all the documents which were annexed along with the applications and the answer sheets in the written examination are clear that the petitioner is more suitable candidate to be appointed as Village Assistant than the ninth respondent. That apart, admittedly the ninth respondent was elected as Ward Member in Kilvelur Panchayat and only after selection to the post of Village Assistant, she resigned the post. Therefore, the ninth respondent had influenced politicians and the eighth respondent without seeing the merits of the petitioner, mechanically selected the ninth respondent to the post of Village Assistant. Further, the very same eighth respondent furnished details under Right to Information Act as if the ninth respondent scored marks higher than the petitioner and as such, he was selected to the post of Village Assistant. Whereas on perusal of the counter filed by the very same respondent, revealed that the petitioner and the ninth respondent scored very same 80 marks. However,



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the ninth respondent is senior to the petitioner, and as such she was appointed to the post of Village Assistant.

9. Thus it is clear that after filing the writ petition, the score sheets were corrected by the eighth respondent and produced before this Court. It is also curious to note that on seeing other applications and written answer sheets of the candidates to the post of Village Assistant, it is clear that they were awarded very meagre marks though more qualified than the ninth respondent and awarded only five marks in the interview irrespective of all candidates except the ninth respondent. Only the ninth respondent was awarded 12 marks in the interview. Except the ninth respondent, no one was awarded more than 5 marks in the interview. It shows that in order to appoint the ninth respondent, the eighth respondent acted contrary to the procedure and law.

10. In view of the above, the impugned order cannot be sustained and the same is liable to be quashed. Accordingly, the impugned order dated 13.01.2023 of the eighth respondent is quashed. The eighth respondent is directed to appoint the petitioner, who is the best



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candidate among other applicants on perusal of the documents, to the post of Village Assistant, Melavazhakarai Village, Thirukkuvalai Taluk, Nagapattinam District forthwith and report to the second respondent. The second respondent is directed to conduct enquiry with regards to the illegality committed by the eighth respondent while recruiting the ninth respondent to the post of Village Assistant and also to initiate disciplinary proceedings.

11. With the above directions, this writ petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs. Registry is directed to hand over the original files to the second respondent.

03.07.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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- 2.The District Collector,
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Nagapattinam
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- 4.The Commissioner of Revenue Administration,



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- O/o the Commissioner of Revenue Administration,
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