



W.P.No.7266 of 2023 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2024

CORAM:

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

W.P.Nos.7266, 7271, 7273, 7275, 7280, 7282, 7283, 7285, 7287, 7290,
7291, 7294, 7297, 7298, 7301, 7303, 7313, 7317, 7320 of 2023

and

W.M.P.Nos.7309, 7310, 7311, 7315, 7316, 7317, 7320, 7321, 7322,
7323, 7324, 7325, 7329, 7331, 7332, 7333, 7334, 7335, 7336, 7337,
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7369, 7370, 7371, 7372, 7373, 7374, 7392, 7394, 7396, 7399, 7400,
7401, 7403, 7404, 7406 of 2023

W.P.No.7266 of 2023:-

R.Sathishkumar

...Petitioner

-Vs-

1. The Government of Tamilnadu

Rep. by its Secretary,

Revenue and Disaster Management Department,

Services Wing,

Fort St. George,

Chennai – 600 009.

2. The District Collector,

Nagapattinam District.

3. The Revenue Divisional Officer,

Nagapattinam.

4. The Tahsildar,

Kilvelur Taluk,

Nagapattinam District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in the impugned order dated 05.01.2023 in Na.Ka.No.148/2021/A2 on the file of the fourth respondent and quash the same as far as the petitioner is concerned and direct the fourth respondent to reinstate the petitioner into service in the post of Village Assistants in the respective village to which, he had been posted earlier with all monetary and service benefits.

In all W.Ps.

For Petitioner : Mr.S.Sadasharam

For Respondents : Mr.S.Silambanan
Additional Advocate General
Assisted by Dr.T.Seenivasan
Special Government Pleader

COMMON ORDER

These writ petitions have been filed challenging the order dated 05.01.2023, passed by the fourth respondent thereby rejected the request made by the petitioner in all writ petitions to reinstate them into service as Village Assistant in their respective villages.

2. The fourth respondent invited applications from eligible candidates to fill up the post of Village Assistants in 19 vacancies. As per the notification, the petitioner in all the writ petitions had applied for



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and they were selected to the post of Village Assistants. They were selected after conducting written examination, oral test and practical test and also on verification of records. The selection list was forwarded to the Revenue Divisional Officer and after approval, the selected candidates were directed to be appointed as Village Assistants by an order dated 11.10.2021. Accordingly, the petitioners had appointed as Village Assistant in their respective villages.

3. While being so, the second respondent issued notice dated 09.12.2021, thereby called upon them to appear for enquiry along with necessary documents in connection with their appointment as Village Assistant in their respective villages. They were once again called for enquiry and after enquiry, the second respondent passed order dated 10.06.2022, thereby cancelling their appointment. In pursuant to the said order, the fourth respondent passed an order dated 11.06.2022, thereby removed the petitioners from their services.

4. All the petitioners had challenged their removal order in the batch of writ petitions in W.P.No.15742 of 2022 etc., and this Court by



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an order dated 26.08.2022, quashed the order passed by the second and fourth respondent and also directed the fourth respondent herein to conduct detailed enquiry after giving opportunity to the petitioner and pass appropriate orders. Aggrieved by the same, the petitioners preferred batch of writ appeals in W.A.No.2490 of 2022 etc., and the Hon'ble Division Bench of this Court by an order dated 21.12.2022, disposed the writ appeals with directions to the second respondent herein to conduct enquiry, after issuance of notice to the petitioners and after giving opportunity of hearing to them, pass appropriate orders on merits and in accordance with law. However, the fourth respondent conducted enquiry on 23.12.2022 and passed an order dated 05.01.2023, thereby rejected the request made by the petitioner to reinstate them into service.

5. The learned counsel appearing for the petitioner would submit that the Government order dated 17.10.2020, being referred to by the fourth respondent in the impugned order, does not provide for cancellation or termination of appointment to the post of Village Assistant made by the competent authority viz., the fourth respondent herein. As per the Government order, the disciplinary proceeding can be



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initiated as against the erring officials. In fact, the earlier selection of the petitioners was duly approved by the Revenue Officer and accordingly the petitioners were appointed as Village Assistant. Though the learned Single Judge of this Court allowed the writ petitions by setting aside the removal order and ordered for fresh enquiry by the fourth respondent, it was challenged in the writ appeals and the Hon'ble Division Bench of this Court directed the second respondent to conduct enquiry and pass orders by an order dated 21.12.2022. However, the fourth respondent conducted the enquiry on 23.12.2022 and passed orders. Therefore, the fourth respondent is not competent to conduct any enquiry, since this Court specifically directed the second respondent to conduct enquiry.

5.1. He further submitted that the appointing authority viz., the fourth respondent failed to follow the procedure as contemplated under the government order in G.O.Ms.No.574 dated 17.10.2020. The petitioners are nothing to do with the selection process and as such the fourth respondent ought not to have terminated them from service. All the petitioners are fully qualified and they are eligible to appoint to the post of Village Assistant.



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WEB COPY 6. Heard the learned counsel appearing on either side and perused the material placed before this Court.

7. On perusal of the counter filed by the fourth respondent revealed that as per the notification, the applications were invited to fill up the vacant post of 19 Village Assistants in Kilvelur Taluk, Nagapattinam District. The communal rotation category for the said post is as follows:-

Sl.No.	Communal Rotation No.	Category	Priority/Non priority	No. of vacancies
1	17	MBC	Non Priority	1
2	18	BC- Women	Non Priority	1
3	19	General Turn - Women	Non Priority	1
4	20	BC	Priority	1
5	21	General Turn	Priority	1
6	22	SC	Non Priority	1
7	23	MBC - Women	Non Priority	1
8	24	BC - Women	Non Priority	1
9	25	General Turn - Women	Non Priority	1
10	26	SC - Women	Priority	1
11	27	General Turn	Non Priority	1
12	28	MBC	Priority	1
13	29	General Turn - Women	Non Priority	1
14	30	BC - Women	Non Priority	1
15	31	General Turn – Ex Service man	Non Priority	1



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Sl.No.	Communal Rotation No.	Category	Priority/Non priority	No. of vacancies
16	32	SC (A)	Non Priority	1
17	33	MBC	Non Priority	1
18	34	BC	Non Priority	1
19	35	General Turn	Priority	1
Total				19

On receipt of 546 applications, they conducted written examination and interview. Thereafter, the petitioners were called for certificate verification before the fourth respondent. After getting approval from the Revenue Divisional Officer, Nagapattinam, they were appointed to the post of Village Assistant on 11.10.2021.

8. In pursuant to the several complaints received from the general public in the process of appointment of Village Assistant post and also on filing of the writ petition before this Court in W.P.No.23906 of 2021 challenging the selection of the petitioners, a detailed enquiry was conducted by the Special Deputy Collector. After enquiry, the Special Deputy Collector submitted his report dated 14.12.2021, to the second respondent and it revealed that in the selection process, files are not properly maintained and the Rules were not followed properly and the appointment of the petitioners have to be cancelled.



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9. Further the appointment was not made in consonance with the guidelines issued in G.O.Ms.No.574, Revenue and Disaster Management Department Services Wing (Ser 8(1)) Section, dated 17.10.2020. Therefore, the second respondent conducted detailed enquiry from the petitioners and pass an order dated 10.06.2022, thereby cancelled their appointment and also directed the fourth respondent to fill up the post by eligible persons by following due process of law. In pursuant to the said order, the fourth respondent removed the petitioners by an order dated 11.06.2022.

10. The petitioners challenged the order of removal in the batch of writ petition and this Court by an order dated 26.08.2022, quashed the order passed by the fourth respondent herein and directed him to conduct fresh enquiry and pass appropriate orders. Aggrieved by the same, the petitioners preferred batch writ appeals and this Court directed the second respondent to conduct enquiry and pass orders. However, the said order was made ready only on 07.02.2023 and communicated to the



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respondents thereafter.

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11. In the meanwhile, on 23.12.2022, as directed by the learned Single Judge of this Court, the fourth respondent conducted detailed enquiry and after giving opportunity of hearing to the petitioners, passed detailed order on 05.01.2023, thereby rejected the request made by the petitioners to reinstate them into service.

12. On perusal of G.O.Ms.No.574 dated 17.10.2020, the Government issued the guidelines with regard to appointment of Village Assistants. Accordingly, there was illegality and irregularity while appointing the petitioners to the post of Village Assistant. As per the enquiry report submitted by the Special Deputy Collector dated 14.12.2021, and the report submitted by the fourth respondent revealed that as per the government order in G.O.Ms.No.55 Personnel and Administration Reform (S) Department dated 08.04.2010, the communal rotation has to be strictly adhered to in the appointment of Village Assistants. Out of 107 applications received in Kilvelur Taluk limit and in MBC (Non Priority) Category under which the candidate has to be selected, only 20 applications of all categories were taken up for



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discussion which is a sheer violation of the above government order.

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13. Further, the reading skills of the candidates have to be tested in English also as mandated by G.O.Ms.No.574, dated 17.10.2020. However, it was not followed by the fourth respondent in the selection process. The written examinations have to be conducted in English also and 15 marks have to be awarded for the same as mandated in G.O.Ms.No.574 dated 17.10.2020. However, the said practice was not followed in the selection process. Further the written examination should be conducted in Tamil for which also 15 marks to be awarded. However, only 10 out of 15 marks have been taken into account in the interview.

14. Further, if the applicant is born in the village for which the recruitment is made, 25 marks have to be awarded and if the applicant is born within the taluk limit, 20 marks have to be awarded. However, it was not followed. In short, selection has to be conducted for 100 marks under 5 categories, whereas the present selection was made on the basis of 40 marks, which is against the basic guidelines issued in the government orders. Further, the interview has to be conducted by a



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committee consisting of three official of which, one shall be in the rank of Special Tahsildar. However, the interview was not conducted by the said committee which is contravention of G.O.Ms.574 dated 17.10.2020. There was no directive in the notification published in which only communal rotations were mentioned for filling up the posts of Village Assistants in general and name of the villages were not mentioned. There was no application specifying the village where posting was sought for.

15. That apart, the selected list was not displayed in the notice board and the appointment order was not sent through registered post. The selected candidates were hurriedly communicated that too through telephone and appointed on the same day. Therefore, there was lack of transparency in the selection process. Hence, the second respondent rightly cancelled the entire appointment of the petitioners to the post of Village Assistant. After the direction issued by the learned Single Judge of this Court, the fourth respondent conducted enquiry and passed detailed order dated 05.01.2023. Though the Division Bench of this Court directed the second respondent to conduct detail enquiry by an order dated 21.12.2022, it was not communicated to the fourth



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respondent. On 23.12.2022, the fourth respondent conducted detailed enquiry and passed order on 05.01.2023. Hence, this Court finds no infirmity or illegality in the order passed by the fourth respondent and prayer sought for in these writ petitions devoid of merits and liable to be dismissed.

16. Accordingly, all the Writ Petitions stand dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

18.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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Revenue and Disaster Management Department
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2. The District Collector,
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G.K.ILANTHIRAIYAN. J.

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