



WP No.7539 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 19.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

WP No. 7539 of 2023
and WMP Nos.7648 and 7650 of 2023

Vanithavadivel

... Petitioner

vs.

1. The District Collector,
Cuddalore District,
Cuddalore.

2. The Sub Collector,
Virudhachalam,
Cuddalore District.

3. The Tahsildar,
Tittagudi Taluk,
Cuddalore District.

4. Senthamizhselvi

5. Sathiyasivam

6. Mithun

7. Abiramasundari



WP No.7539 of 2023

8. Punkuzhali

9. Gobi

10. Sampath

11. Subash

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the appointment orders issued by third respondent vide proceedings dated 14.01.2023 Na.Ka.A3/2970/2022 based on the notification dated 10.10.2022 vide Na.Ka.A3/2970/2022 and to quash the same as illegal on the ground and consequently direct the third respondent to appoint the petitioner for the post of village assistant of O.Keenaur Village, Cuddalore District on the basis of petitioner's performance in written exam and interview held on 04.01.2023.

For Petitioner : Mr.B.Ganesha Moorthy

For Respondents : Mr.G.Velu
Additional Govt. Pleader, for RR1 to 3

Mr.S.Senthilnathan, for RR4 to 11



WP No.7539 of 2023

WEB COPY

ORDER

This Writ Petition has been filed challenging the appointment orders issued by the third respondent through proceedings dated 14.01.2023 and for a consequential direction to the third respondent to appoint the petitioner as a Village Assistant of O.Keenaur Village, Cuddalore District.

2. The case of the petitioner is that she applied for the post of Village Assistant based on the notification issued by the third respondent dated 10.10.2022. The petitioner participated in the selection and she was also called for an interview after the completion of the written examination. The grievance of the petitioner is that respondents 4 to 11 were given appointment and the petitioner was denied appointment as a Village Assistant. It is under these circumstances, the present writ petition has been filed before this Court.

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



4. *It is submitted that this respondent issued a Notification on 10.10.2022 in Tamil Newspapers vide Proceedings in Na.Ka.A3/2970/2022 calling for application from the qualified persons to fill up the vacancies for the post of Village Assistants for 8 villages i.e., 1. Alathur, 2. Konur, 3. Kumarai, 4. Nanthimangalam, 5. Neyvasal, 6. O. Keeranur, 7. Ramanatham and 8. Sirumulai. In response to the said Notification, 1148 applications were received through on-line. Apart from that a list of 35 qualified persons was also received from Employment Exchange and in total 1183 applications were received.*

5. *It is submitted that on consideration of the 1183 applications, only 1123 applications were accepted. It is submitted that written examination was conducted to the above said 1123 applicants on 04.12.2022 by the Selection Committee and subsequently interview was conducted by the Selection Committee on 04.01.2023. After completion of the interview, the persons mentioned in Sl.No.1 to 8 were selected by the Selection Committee on the basis of the marks obtained by them. The details of the marks obtained by the petitioner are mentioned in Sl.No.9 hereunder.*



WP No.7539 of 2023

WEB COPY

S.No.	Name of the applicants	Marks for educational qualification			Marks for Driving			Mark for own/other villages	Marks obtained in Written examination		Marks for reading capacity		Marks obtained in interview	Total
		8th	12 th (IT)	Degree	Cycle	Two Wheeler	Four Wheeler		Tamil	English	Tamil	English		
1.	Sentham/theevi Thozhuthur			10			10	20	14	14	05	03	12	88
2.	Sathyasivam, Alathur			10	05			25	15	11	05	05	13	89
3.	Mithun, Ramaswatham			10			10	25	14	11	03	03	13	89
4.	Abramasundari Tittagudi			10			10	20	11	07	05	05	13	81
5.	Poonguzhali, Kodanqudi			10	05			20	14	11	03	03	10	76
6.	Gobi, Pa.Poovanur			10			10	20	14	07	05	05	14	85
7.	Sampath, Ganapathikurichi			10	05			20	13	11	03	03	10	75
8.	Subash, Erappavur		07	10			10	20	14	07	05	05	14	82
9.	Vanitha Vadivel Enaiyur			10	05			20	07	07	03	03	08	63



WEB COPY

6

6. It is submitted that the persons mentioned in Sl.No.1 to 8 were appointed on the basis of the marks obtained by them and on the basis of rule of reservation and they were appointed as Village Assistants in the Villages mentioned against their names and the details are as follows:

Community of the selected candidates			Rule of Reservation to be followed	
Sl.No.	Details of appointed persons		Communal Rotation	Name of Village for which appointed
1.	Senthilvelu Thezhathur	BC	General Turn-Non-Priority Women	Alathur
2.	Sathyasivan Alathur	SC	SCO-Non-Priority General	Konur
3.	Mithun Ramanathan	MBC	MBC,DNT Non-Priority General	Kumarai
4.	Abiramasundari Tittagudi	BC/Women	BCO-Non-Priority Women	Nandhimangalam
5.	Poonguchai Kodengudi	SC	General Turn Priority-General	Neyvasal
6.	Gobi Pe.Poovinar	SC	SCO-Non-Priority General	O. Keeranur
7.	Sampath Ganapathikurichi	MBC	MBC/DNT Non-Priority General PH-Ortho	Ramanatham
8.	Subash Enapperur	BC	BCO-Non-Priority General	Sirumulai



WP No.7539 of 2023

WEB COPY

4. Heard Mr. B.Ganesha Moorthy, learned counsel appearing for the petitioner and Mr.G.Velu, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.S.Senthilnathan, learned counsel appearing for the respondents 4 to 11.

5. It is quite evident from the counter affidavit filed by the third respondent that in the selection process, the petitioner stood in the 9th place and she had secured only 63 marks. Based on the same, appointment orders were given for the eight persons above the petitioner as Village Assistants for eight Villages.

6. The learned counsel appearing for the petitioner submitted that for at least five candidates, 10 marks were given for driving four-wheeler. The learned counsel submitted that for the Village Assistant, there is no need for awarding any marks for driving four-wheeler and there was no such indication even in the notification that was issued by the third respondent.



WP No.7539 of 2023

7. It is seen that G.O.Ms. No.574 dated 17.10.2020 governs the process of selection of Village Assistant and the criteria for selection has also been prescribed. One such criteria is driving/riding skill of a four-wheeler and holding a four-wheeler license. Ten marks may be awarded under this category. Therefore, 10 marks that has been awarded to five of the candidates was only based on this Government order.

8. The selection has taken place as per the Government order and the marks have been granted. Admittedly the petitioner has secured the ninth position and whereas only eight vacancies were available which was filled up with eight persons who took more marks than the petitioner. Hence the appointment that was granted in favour of respondents 4 to 11, does not require the interference of this order.

9. In the result, the writ petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

19.08.2024

jv

8/10



WP No.7539 of 2023

WEB COPY

Index: Yes/No

Internet: Yes/No

speaking order/ Non Speaking order

Neutral Citation: Yes/No

To

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Sub Collector,
Virudhachalam,
Cuddalore District.
3. The Tahsildar,
Tittagudi Taluk,
Cuddalore District.



WEB COPY



WP No.7539 of 2023

N.ANAND VENKATESH, J.

jv

WP No. 7539 of 2023

19.08.2024