



WEB COPY



W.P.No.997 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.997 of 2016
and
W.M.P.Nos.752 and 753 of 2016
and 5239 of 2017

R.Kumaresan

... Petitioner

-VS-

1.The District Collector,
O/o. The District Collector Office,
Vellore -9.

2.The Tahsildar,
Natrampalli,
Vellore District,
Vellore.

3.The Village Employment Officer,
Employment Exchange Office,
Vellore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records on the file of the 1st respondent in proceedings No.Na.Ka.A1



W.P.No.997 of 2016

23936/201-2 dated 18.12.2015 and quash the same.

WEB COPY

For petitioner : Mr.S.Ramaswamy Rajarajan

For respondents : Mr.Alagu Gowtham
Government Advocate

ORDER

Challenging the proceedings dated 18.12.2015 of the first respondent in Na.Ka.A1 23936/201-2, the petitioner is before this Court.

2. The facts which have given rise to the above writ petition are set out herein below.

2.1. The petitioner, who belongs to the Scheduled Caste community and who has studied upto the 10th standard, had registered himself in the third respondent office as early as on 27.04.2015. Meanwhile, the second respondent had called for



W.P.No.997 of 2016

WEB COPY

applications for the post of Village Assistant through a paper publication. The petitioner's name was sponsored by the third respondent for the aforesaid post. The petitioner had therefore, made an application enclosing his requisite certificates and he was called for a provisional interview which was to be held on 05.10.2015 at 11.00 a.m. in the second respondent's office. The petitioner was directed to come along with the original certificates.

2.2. After the completion of interview, the petitioner was provisionally appointed by an order dated 16.11.2015 issued by the second respondent. It was clarified that the appointment was made under Rule 10a(i) of the Tamil Nadu State and Subordinate Services Rules and he was given the said post in Agraharam Village on the pay scale of Rs.3,500/- – Rs.6,000/- with Grade Pay Rs.600/- with additional benefits.

2.3. The appointment order had a condition that in case, after



W.P.No.997 of 2016

WEB COPY

the appointment, during verification of the records, if the records are not found to be in order, he would be terminated without giving any prior notice. The petitioner would submit that he had taken charge on 23.11.2015 and was performing his duty with utmost sincerity. While so, on 31.12.2015, he was served with the impugned order dated 18.12.2015 terminating his service on the ground that the seniority of three persons had been overlooked and the petitioner was appointed. It is challenging this order that the petitioner is before this Court. Interim stay had also been granted in this petition *vide* order dated 11.01.2016 of this Court.

3. The respondents who had entered appearance had immediately filed a petition to vacate the order of interim stay. In the affidavit filed in support of the said petition, the respondents would submit that the second respondent had called for applications for filling up the post of the Village Assistant in various villages in Natrampalli Taluk through the employment exchange by paper



W.P.No.997 of 2016

publication. The petitioner and others had applied for the said post on 28.09.2015. After the completion of interview, the petitioner was appointed temporarily as Village Assistant at Agraharam Village in Natrampalli Taluk under the provisions laid down in Rule 10a(i) of the Tamil Nadu Servants and Subordinates Services Rules.

4. After the appointment of the petitioner, complaints were received from the persons who had participated in the said interview stating that the second respondent had conducted the said interview without following the established procedure. Thereafter, on a detailed enquiry, it was found that S.Anandbabu, Prabavathi and C.Baskaran are all residing within 5 kilometres radius and had registered themselves before the third respondent prior to the petitioner and the petitioner who had registered much later, has been considered and appointed by overlooking the seniority of the above said persons. In fact, the first respondent had initiated disciplinary proceedings against the second respondent for the lapses committed



W.P.No.997 of 2016

by them.

WEB COPY

5. Heard the learned counsel on either side and perused the materials available on record.

6. The original files had also been produced by the learned Government Advocate for the scrutiny of this Court.

7. A perusal of the list of the candidates who had been called for interview and who were residing near the villages where the requirement of Village Assistant was sought for would clearly indicate that S.Anandbabu had registered with the employment exchange of the 3rd respondent on 18.01.2013, M.Prabavathi on 11.03.2013 and C.Baskaran on 09.03.2014, whereas, the petitioner has registered only on 27.04.2015. Therefore, the appointment of the petitioner has been rightly cancelled *vide* the impugned order and this Court finds no reason to interfere with the said order.



W.P.No.997 of 2016

WEB COPY

Accordingly, this writ petition stands dismissed.

Consequently, connected W.M.Ps. stand closed. No costs.

29.07.2024

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
ssa

To

1.The District Collector,
O/o. The District Collector Office,
Vellore -9.

2.The Tahsildar,
Natrampalli,
Vellore District,
Vellore.

3.The Village Employment Officer,
Employment Exchange Office,
Vellore District.



WEB COPY



W.P.No.997 of 2016

P.T.ASHA, J.,

ssa

W.P.No.997 of 2016

29.07.2024

(1/4)