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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.352 of 2023
and W.M.P.Nos.326 & 327 of 2023

K.Annamalai

... Petitioner

Vs.

1.The Revenue Tahsildar,
Tindivanam, Villupuram-District.

2.The Sub Collector,
Tindivanam, Villupuram-District.

3.The District Revenue Officer (DRO)
Villupuram, Villupuram-District.

4.The District Collector,
Villupuram, Villupuram-District.

5.The State of Tamil Nadu
rep. by The Principal Secretary to the Department of Revenue,
Fort St. George, Chennai – 600 009.

6.The Assistant Director, (AD)
District Employment Officer,
Villupuram, Villupuram-District.

7.V.Koteswaran

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the concerned records in his proceedings No. Na.Ka.A5/1633/2018 dated 27.07.2018 passed by the 1st respondent herein and to quash the same and consequently direct the 1st respondent to appoint the petitioner herein for the post of Village Assistant at Pangulathur Village, Tindivanam Taluk, Villupuram District with all the attendant benefits.

For Petitioner : Mr.M.Arumugam for
Mr.A.Vimal Raj

For Respondents : Mrs.V.Yamunadevi
Special Government Pleader for R1 to R5

Mr.P.Balathandayutham
Special Government Pleader for R6

ORDER

This writ petition has been filed challenging the proceedings of the 1st respondent dated 27.07.2018, whereby, the 7th respondent has been appointed as the Village Assistant and for a consequential direction to direct the 1st respondent to appoint the petitioner as Village Assistant at Pangulathur Village, Tindivanam Taluk, Villupuram District.



2.The case of the petitioner is that the 1st respondent started the process of appointing Village Assistants by issuing a paper publication dated 30.03.2018. The petitioner had applied and he submitted the relevant documents along with the application to the 2nd respondent. He was called for an interview on 17.04.2018. According to the petitioner, his name was also forwarded by the District Employment Exchange, Villupuram.

3.The grievance of the petitioner is that the 7th respondent whose name was not even forwarded by the District Employment Exchange and who is doing his independent business elsewhere, was appointed as the Village Assistant. The same has been made a subject matter of challenge in the present writ petition.

4.The 1st respondent has filed a counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:

7). I respectfully submit that regard to the averment made in paragraph No.7 of the Affidavit, in the Advertisement it has been clearly stated that the applications were invited for the post of 7 village Assistant from the candidates who were living in nearby



villages only on Communal rotation through Employment Exchange and Direct appointment. So, the registration of Employment Exchange was not verified.

8). *I respectfully submit that regard to the averment made in paragraph No.8 of the Affidavit, I have no remarks to offer in this averment, since, the petitioner alleged about the registration process of 6th respondent (The Assistant Director (A.D), District Employment Officer, Viluppuram, Viluppuram District).*

9). *I respectfully submit that regard to the averment made in paragraph No.9 of the Affidavit, the Village Assistant Post Qualification is 5th standard pass with knowledge of read and writing and known to ride the bicycle. The maximum age limit is 32 and the minimum age limit is 21 for the Backward and Most BackWard Classes. The Village Assistant post of Pangulathur Village's Communal rotation is MBC/Non Priority / PH- ORTHO. Six Candidates were applied for the post. 4 Persons were attended the interview and Two persons were not attended the interview Out of four attended persons, 3 Candidates age were more than maximum age limit. Hence, the remaining Candidate i.e. 7th Respondent 2/ was selected for the post of Village Assistant, Pangulathur Village.*



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10). I respectfully submit that regard to the averment made in paragraph No.10 of the Affidavit, the Village Assistant Post Qualification is 5th standard pass with knowledge of read and writing and known to ride the bicycle. The maximum age limit is 32 age limit and minimum age limit is 21 for the Backward and Most BackWard Classes. The Village Assistant Post of Pangulathur Village's Communal rotation is MBC/Non Priority / PH- ORTHO. Six Candidates were applied for this post. 4 Persons were attended the interview and Two persons were not attended. Out of four attended persons, 3 Candidate's age were more than maximum age limit. Hence, the remaining Candidate i.e. 7th Respondent was selected for the post of Village Assistant, Pangulathur Village. There is no favour on the 7th Respondent.

5.Heard Mr.M.Arumugam, learned counsel appearing on behalf of the petitioner, Mrs.V.Yamunadevi, learned Special Government Pleader appearing on behalf of respondents 1 to 5 and Mr.P.Balathandayutham, learned Special Government Pleader appearing on behalf of the 6th respondent.

6.It is quite evident from the advertisement that was issued that the post of Village Assistant was sought to be filled up in seven villages and through



communal rotation both by getting the candidates from the Employment Exchange as well as by means of direct appointment. The 7th respondent's candidature was considered through direct employment and the candidature of the petitioner was considered through Employment Exchange. The petitioner was not found to be eligible, since he belongs to Korattur Village and he does not belong to Pangulathur Village. As per the notification, the names of the nearby villages to Pangulathur Village has been specifically mentioned and the Korattur village does not form part of it.

7.The 7th respondent belonged to Pangulathur Village and therefore, considering the fact that he was otherwise eligible, was appointed as a Village Assistant.

8.Insofar the allegations against the 7th respondent that he is conducting some fruits vending business elsewhere even after becoming a Village Assistant, the learned Special Government Pleader on instructions submitted that after the 7th respondent was appointed as a Village Assistant, he is performing his function as a Village Assistant and he is not doing any fruits vending business as alleged by the



petitioner.

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9.It is not necessary for this Court to go into this issue, since this is a disputed question of fact. This Court only wants to give a word of caution to the effect that the authorities will ensure that the 7th respondent effectively functions as a Village Assistant and does not involve in any other independent business. This clarity will sufficiently take care of the grievance expressed by the petitioner.

10.In the result, the relief as sought for the petitioner cannot be granted by this Court and accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

05.09.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1.The Revenue Tahsildar,



Tindivanam, Villupuram-District.

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N. ANAND VENKATESH, J.

SSI

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