



W.P.(MD)No.13894 and 13895 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.13894 and 13895 of 2024

P.Arun Kumar ... Petitioner in W.P.(MD)No.13894/ 2024

A.Manoj ... Petitioner in W.P.(MD)No.13895/ 2024

Vs.

1.The District Collector,
O/o.The District Collector,
Thoothukudi District.

2.The Tahsildar,
O/o.The Tahsildar,
Vilathikulam,
Thoothukudi District.

... Respondents in both petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of mandamus, directing the respondents to provide monthly salary from January, 2023 to till date to the petitioners for discharging their duty in the post of Village Assistant at Soorankudi Village and Melmanthai Village, respectively, Vilathikulam Taluk, Thoothukudi District within the time period stipulated by this Court.

In both petitions:

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.M.Lingadurai
Special Government Advocate



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COMMON ORDER

The petitioners have filed these writ petitions seeking a Writ of Mandamus, directing the respondents to provide monthly salary from January, 2023 to till date to the petitioners for discharging their duty in the post of Village Assistant at Soorankudi Village and Melmanthai Village, respectively, Vilathikulam Taluk, Thoothukudi District.

2.Heard Mr.T.Aswin Raja Simman, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader for the respondents.

3. By consent of both parties, these writ petitions are taken up for final disposal at the stage of admission itself.

4.The petitioners were originally appointed as Village Assistants pursuant to their appointment orders in Na.Ka.No.A8/5565/2021, dated 13.01.2023 and 12.01.2023, respectively. The Colleagues of the petitioners, who were undergone the selection process, through which the petitioners were appointed, seeking to declare the appointment of the petitioners herein as illegal and consequently, to appoint them as Village Assistants, have filed writ



petitions in W.P.(MD)Nos.1841 and 2217 of 2023, before this Court and the same were dismissed on 02.03.2023 on the following terms:

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“8. On perusal of the records of the Village Assistants Recruitment in Vilathikulam Taluk, it is found that the selection of the candidates, namely, Ananthkumar and Arunkumar based on the communal rotation, priority basis and marks obtained by the candidates has been noticed as wrong. Hence, the District Administration is going to take effective steps to terminate the services of the above candidates namely, Arunkumar and Ananthkumar and further, two eligible candidates who were available, may be replaced in the place of the outgoing candidates.

9. Insofar as the petitioners are concerned, the petitioners namely, Muthumariammal and Selva Sagunthala, though called for an enquiry on 27.02.2023, the petitioners have turned up for enquiry on 27.02.2023 before the District Collector, Thoothukudi and the said Muthumariammal secured 44 marks. However, the selected candidate Rohini secured 76 marks, who belongs to Scheduled Caste community (Widow), who was already in the communal rotation, however, the petitioner in W.P.(MD) No.1841 of 2023 was not selected, since she secured lesser marks than Rohini. Accordingly, Rohini was given appointment. Similarly, one Selva Sagunthala also secured 54 marks, who belongs BC category. However, Melmathur Village is allotted to Most Backward Class category and the petitioner belongs to Backward Class category, in which category, she secured lesser marks comparing to the selected candidate. Accordingly, her candidature was rejected and in view of the above report, the prayer sought for in these writ petitions cannot be granted.”



5. Consequent to the above observations, it is appeared that action has been initiated by serving notice to Ananthkumar for termination. However, the said Ananthkumar appears to have filed a writ petition W.P.(MD)No.13713 of 2023 to forbear the respondents therein from initiating any action against the petitioner pursuant to the directions given against him by his Court as stated supra, and obtained an order of interim injunction on 12.06.2023.

6. In fact, the petitioners have has filed writ appeals against the order dated 02.03.2023 in W.A.(MD) SR No.50669 and 50670 of 2023 and the same are pending before this Court without any interim order.

7. Since the issue in all these petitions revolves around the question of appointment of Village Assistant, all these matters can be agitated together in the writ petition filed by the said Ananthkumar in W.P.(MD)No.13713 of 2023 and the writ appeals filed by the petitioners herein in W.A. (MD)SR No.50669 and 50670 of 2023.

8. However, in the case on hand, the only claim made by the petitioners is that they are still functioning as Village Assistants from the date of their appointment, and hence, the salary for the period of their service can be directed to be released by the respondents. The further claim of the petitioners is that



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even assuming that the petitioners are going to be terminated, for the period so far working from the date of their appointment, they are entitled to be paid with salary.

9.It is learnt from the records that neither the respondents have not passed any order of termination against a candidate in pursuant to the order made by this Court in W.P. (MD)No.1841 of 2023 nor the petitioners have got any interim order in the writ appeal filed by them. Hence, it is for the respondents to take a call either to get the writ appeal disposed of as early as possible or to pass appropriate orders on the claim made by the petitioners.

10.Therefore, the respondents herein are directed to consider the claim of the petitioners and pass appropriate orders on merits and in accordance with law within a period of two (2) weeks from the date of receipt of a copy of this order.

11.With the above directions, these writ petitions are disposed of. No costs.

27.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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R.N.MANJULA, J.

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To

1.The District Collector,
O/o.The District Collector,
Thoothukudi District.

2.The Tahsildar,
O/o.The Tahsildar,
Vilathikulam,
Thoothukudi District.

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