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W.P.(MD) No.13760 of 2017

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 10.09.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD) No.13760 of 2017

and

W.M.P.(MD) Nos.10737 & 10738 of 2017

M.Pandiarajan

... Petitioner

-vs-

1.The District Collector  
Sivagangai District  
Sivagangai

2.The Revenue Divisional Officer  
Sivagangai  
Sivagangai District

3.The Tahsildar  
Ilayangudi Taluk  
Sivagangai District

4.R.Lakshmanan

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to the impugned appointment order passed by the third respondent in his Proceedings Na.Ka.A7-2961-2016 dated 15.05.2017 and quash the same as illegal.



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**W.P.(MD) No.13760 of 2017**

For Petitioner : Mr.P.Banuprasath

For Respondents : Mr.G.Suriya Ananth  
Additional Government Pleader for R1 to R3  
Mr.G.Karthik for R4

### **ORDER**

This writ petition has been filed challenging the impugned order, dated 15.05.2017, passed by the third respondent, under which, the fourth respondent has been appointed to the post of Village Assistant.

**2.** The petitioner has challenged the appointment of the fourth respondent on the following grounds:

- (a) The fourth respondent has not satisfied the residential criteria for selection, but despite the same, he has been appointed illegally.
- (b) The fourth respondent is a Diploma Holder and overqualified for the post of Village Assistant. The petitioner, having failed in 9<sup>th</sup> Standard, is a right person to be appointed to the said post.



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**3.** A counter affidavit has been filed by the official respondents denying the contentions of the petitioner. They have stated that as per the norms prescribed in the publication, dated 31.08.2016, the Employment Exchange seniority is the main criteria for the selection process. According to them, the fourth respondent is having seniority from the year 2006, whereas the petitioner is having registration in the Employment Exchange only from the year 2011. The official respondents have also contended that in respect of distance from the residence, the fourth respondent's residence is situated at 1.5 Kilometres away from the revenue village and 2.5 Kilometres away from third respondent's office, whereas the petitioner is residing at 3 Kilometres away from the revenue village and 3 Kilometres away from the third respondent's office. Therefore, according to the official respondents, the fourth respondent's selection was proper and there is no illegality committed by them in the selection process.

**4.** Even though the petitioner has contended in this writ petition that the appointment of the fourth respondent is illegal, on account of the non-satisfaction of the residential criteria as per the publication dated



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31.08.2016, issued by the official respondents, there is no documentary evidence produced by the petitioner to substantiate the said contention. On the other hand, a categorical assertion has been made by the official respondents in their counter affidavit that only based on the Employment Exchange seniority and based on satisfaction of the residential criteria, the appointment of the fourth respondent was made. They have contended that the fourth respondent had registered with the Employment Exchange as early as in the year 2006, whereas the petitioner had registered with the Employment Exchange only in the year 2011. They have also contended that the residence of the fourth respondent is situated at 1.5 Kilometres away from the revenue village and 2.5 Kilometres away from the third respondent's office, whereas the petitioner is residing at 3 Kilometres away from the revenue village and 3 Kilometres away from the third respondent's office. Both on the grounds of Employment Exchange seniority as well as residential criteria, it is beneficial for the official respondents to appoint the fourth respondent to the post of Village Assistant. There is absolutely no evidence available on record to show that the fourth respondent is staying at a far away place from the revenue village as well as from the third respondent's office and it is beneficial to appoint the petitioner.



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**5.** For the foregoing reasons, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**10.09.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

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To:

- 1.The District Collector,  
Sivagangai District,  
Sivagangai.
- 2.The Revenue Divisional Officer,  
Sivagangai,  
Sivagangai District.
- 3.The Tahsildar,  
Ilayangudi Taluk,  
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**ABDUL QUDDHOSE, J.**

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