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W.P.No.35573 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.35573 of 2015

S.Manoharan

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by Secretary to Government,
Revenue Department,
Secretariat, Chennai – 600 009.
2. The Commissioner of Revenue Administration,
Chepauk, Chennai – 600 005.
3. The District Collector,
Dharmapuri District,
Dharmapuri.
4. The Tahsildar,
Harur Taluk,
Harur, Dharmapuri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the 4th respondent relating to the impugned order in Na.Ka.No.5057/2014/A2, dated 15.04.2015, quash the same and issue consequential directions to the respondents to appoint the petitioner as Village Assistant in any one of the existing or next arising vacancies in Harur Taluk, Dharmapuri District, without reference to the identification of the Villages with any particular community and in the light of the order dated 05.04.2013 in W.P.No.30650 and 30680 of 2008.



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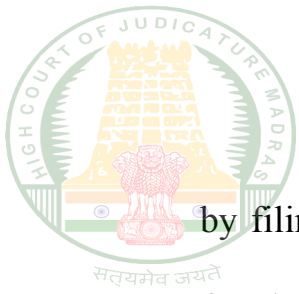
For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.Yogesh Kannadasan,
Additional Government Pleader

ORDER

The petitioner herein served as Part time Village Assistant his village on temporary basis during the years 1990 and 1991. Thereafter his name was sponsored by the District Employment Exchange for appointment to the post of Village Assistant during the year 2007. However the claim of the petitioner was rejected and he was not appointed as Village Assistant. Aggrieved by the same, the petitioner submitted a representation before the respondent no.3 and thereafter approached this Court by filing a Writ Petitions in W.P.No.30704 of 2007 seeking a direction for consideration of the representation wherein this Court vide orders dated 21.05.2007 directed the third respondent herein to consider the representation submitted by the petitioner. Accordingly, the same were considered. However, the respondent no.3 vide proceedings in Na.Ka.No.10833/2007 (A1), dated 22.12.2007 rejected the claim of the petitioner on the ground that there were no vacancy in his village namely Irumathur Village. Thereafter, the petitioner has not chosen to challenge the said proceeding 22.12.2007.

2. Some of the similarly placed persons have approached this Court



by filing W.P.Nos.30650 and 30680 of 2008 challenging the reservation

for the appointment of Village Assistants to certain villages. The said

Writ Petitions were allowed by this Court on 05.04.2013. Thereafter the

petitioner once again submitted a representation for considering his case

for the appointment to the post of Village Assistant in the light of the

orders dated 05.12.2013 passed by this Court. The said representation was

considered by the respondents and the claim of the petitioner was rejected

on the ground that the petitioner herein has already crossed the minimum

age limit and therefore, he is not eligible to the post of Village Assistant.

Yet another ground assigned in the impugned order is that the post of

Village Assistants is not vacant in his village and therefore the claim of

the petitioner cannot be considered though their names were sponsored by

the District Employment Exchange.

3. No doubt, this Court by an order dated 05.04.2013 in W.P.Nos.30650 and 30680 of 2008 issued orders to appoint certain persons having found fault with the reservation made to the post of Village Assistants in particular villages, which is not the subject matter of the present case.

4. Be that as it may, the petitioner herein on receipt of the order,



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rejecting his claim in the year 2007, has not chosen to approach the Court by challenging the same and therefore the same has become final. Having allowed the rejection order to become final, the petitioner started to make a claim in the year 2014 belatedly. Thus it is evident that the petitioner has accepted the order of rejection passed as early as in the year 2007 and therefore the question of claiming appointment to the post of Village Assistant would not arise that too in the year 2013. Further the post of Village Assistant is a public post and it should be open to all similarly placed persons and the petitioner cannot claim appointment as a matter of right unless he fulfill the required criteria. Hence, the case of the petitioner cannot be entertained.

5. In the light of the above discussion, the Writ Petition stands dismissed. No costs.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes / No
vum

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MUMMINENI SUDHEER KUMAR,J.,



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