



WEB COPY



W.P.No.10112 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27/2/2025

C O R A M

The Hon'ble **Ms.JUSTICE BHAVANI SUBBAROYAN**

Writ Petition No.10112 of 2023

a n d

W.M.P.No.10136 of 2023

D.Madhivanan

...

Petitioner

Vs

1. The District Collector
Kancheepuram District.

2. The Tahsildar
Uthiramerur
Kancheepuram District.

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to consider the petitioner's candidature for the post of Village Assistant under the second respondent by considering the petitioner's representation dated 13/2/2023 within a time frame fixed by this Court.



W.P.No.10112 of 2023

WEB COPY For petitioner ... Mr.A.K.M.Samsunihar
For respondents ... Mrs.C.Meera Arumugam
Additional Government Pleader

ORDER

This writ petition has been filed to direct the respondents to consider the petitioner's candidature for the post of Village Assistant under the second respondent by considering the petitioner's representation dated 13/2/2023 within a time frame fixed by this Court.

2. Brief facts which are necessary for the disposal of this writ petition are as follows:-

The petitioner is a physically challenged person and belong to Adi Dravidar Community. On 4/12/2022, he attended the examination for the post of Village Assistant by the respondents and cleared the examination. The petitioner was called for an interview which was conducted on 28/12/2022. Before the interview, he attended the medical test before the Medical Board and the Medical Board issued certificate of fitness.



W.P.No.10112 of 2023

WEB COPY

3. To his shock and surprise, on 12/1/2023 in the second respondent's notice board, it was stated in the fifth column that there were no physically challenged person from SC community for attending the written test and hence, it was unable to fill up the post of Village Assistant. Having cleared all the stages of the examination, the petitioner was not selected.

4. On 13/2/2023, the petitioner had sent a detailed representation to the respondents to consider him for the post of Village Assistant and also enclosed all the necessary documents. Since there was no reply from the respondents, the petitioner has come forward with the instant writ petition praying for the relief as stated therein.

5. The Tahsildar, Uthiramerur/second respondent has filed a counter affidavit, wherein it was stated that the Additional Chief Secretary Commissioner of Revenue Administration, Chennai, in his Letter No.RA II (25-01-04/468/2022 dated 28/9/2022 had issued instructions for filling up the vacancies of Village Assistant occurred during the period from 1/10/2019 to 30/9/2022 by fixing a schedule for the selection process.



W.P.No.10112 of 2023

WEB COPY

6. It is further submitted that 13 vacancies of Village Assistants arose in Uthiramerur Taluk during the period from 1/10/2019 to 30/9/2022 and after deducting 25% of the vacancies, 3 vacancies for the appointment under compassionate ground, 10 vacancies were due to be filled up and the first respondent, in her Proceeding in R.C.No.19467/2020 A1 dated 8/10/2022 had directed to fill up these ten vacancies by following the communal rotation.

7. In pursuant to the above, the Deputy Director of Employment and Training, Kancheepuram, furnished the list of eligible candidates vide Lr.No.A3/3198/2022 dated 26/10/2022 by duly following the communal reservation according to various Government orders, including the order of the Government on the cyclic order of priority as per G.O.Ms.No.122, P & AR Department, dated 2/11/2021.

8. After scrutinisation, 1304 applications are found in order and 962 candidates have attended skill test. Out of 962 candidates, only 650



WEB COPY

candidates have attended the personal interview during the period from 26/12/2022 to 10/1/2023. In the said test, the petitioner has also applied for the post of Village Assistant through online and attended the skill test and personal interview and he was awarded 63 marks out of 100. Hence, he was not selected for the post of Village Assistant on the ground that communal rotation No.50 has been reserved for Scheduled Tribe Physically disable candidate and it cannot be filled up by the petitioner who is a Scheduled Caste physically disabled person and there are no provision to appoint him as Village Assistant against the communal roster No.50 which is exclusively reserved for Scheduled Tribe Physically disabled candidate only and there are no provision to fill up the aforesaid vacancy by the Scheduled Caste Physically disabled candidates. Hence, prays for dismissal of the writ petition.

9. Heard Mr.A.K.M.Samsunihar, learned counsel for the petitioner and Mrs.C.Meera Arumugam, learned Additional Government Pleader for the respondents.

10. The learned counsel appearing for the petitioner would submit



W.P.No.10112 of 2023

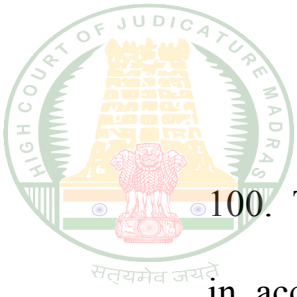
WEB COPY

that the post of Village Assistant is reserved for a person who hails from SC community and also a physically challenged person and since the petitioner is a physically challenged person and also hails from Scheduled Caste Community, prays to direct the respondents to consider the representation of the petitioner dated 13/2/2023.

11. The learned Additional Government Pleader would submit that Communal rotation No.50 has been reserved for Scheduled Tribe Physically disable candidate and it cannot be filled up by the petitioner, who is a Scheduled Caste physically disabled person and there are no provision to appoint him as Village Assistant against the communal roster No.50 which is exclusively reserved for Scheduled Tribe Physically disabled candidate only and hence the case of the petitioner cannot be considered.

12. I have perused the materials available on record.

13. Admittedly, the petitioner belongs to Adi Dravidar Community. The petitioner had applied for the post of Village Assistant through online and in the skill test and personal interview, he was awarded 63 marks out of



W.P.No.10112 of 2025

WEB COPY

100. The candidates for the post of Village Assistants were selected strictly, in accordance with the communal roster in force apart from the marks obtained by each candidate. Moreover, communal rotation No.50 has been reserved for Scheduled Tribe Physically disabled candidate and it cannot be filled up by the petitioner, who is a Scheduled caste physically disabled person and there is no provision to appoint him as Village Assistant against communal roster No.50 which is exclusively reserved for Scheduled Tribe Physically disabled candidate only and there are no provision to fill up the aforesaid vacancy by a Scheduled Caste Physically disabled candidates.

14. In the result, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

27/2/2025

mvs.

Index: Yes/No

Neutral Citation: Yes/No



WEB COPY



W.P.No.10112 of 2023

V.BHAVANI SUBBAROYAN,J

mvs.

To

1. The District Collector
Kancheepuram District.
2. The Tahsildar
Uthiramerur
Kancheepuram District.

W.P.No.10112 of 2023

27/2/2025