



W.P.No.12356 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.12356 of 2018

D.Vivekanandan

... Petitioner

Vs.

1.The Additional Chief Secretary /
Commissioner of Revenue Administration,
Chepauk.
Chennai 600 005.

2.The District Collector,
Salem District,
Salem 636 001.

3.The Revenue Divisional Officer,
Salem 636 001.

4.The Tahsildar,
Salem West Taluk,
Jagirammappalayam Main Road,
Bodinaickanpatti,
Salem 636 005.

5.The District Employment Officer,
Salem 636 008.

6.The District Elementary Educational Officer,
Salem 636 001.



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7.Mr.R.Satyanathan

8.Mr.A.Felix Raja

9.Tmt.K.Chitra

10.The District Treasury Officer,
Salem - 636 001.

11.The Assistant Treasury Officer,
Sub Treasury, Suramangalam,
Salem 636 004.

(R10 and R11 are impleaded as per order dated 06.11.2019 made in WMP.No.17327 of 2019)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the orders in (1) Pro.Na.Ka.No.4712/2016/A4 dated 28.10.2016 of the fourth respondent and to quash the same and to issue consequential directions to the respondents to appoint the petitioner as Village Assistant, Jagirammalayam Village, Sooramangalam Firka, Salem West Taluk, Salem District with retrospective effect from the date of appointment of the 7th respondent with all consequential benefits and to issue directions to the 1st respondent herein to forthwith initiate criminal / disciplinary action against the 8th respondent and to initiate criminal action against the 7th respondent herein within a limited time frame.



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For Petitioner : Mr.M.Ravi
For Respondents : Mr.T.Chezhiyan, AGP for R1 to R6
Mr.S.Isaac Prince, for R7
No appearance for R8 & R9

ORDER

This Writ Petition has been filed to call for the records relating to the orders in Pro.Na.Ka.No.4712/2016/A4 dated 28.10.2016 of the fourth respondent and to quash the same and to issue consequential direction to the respondents to appoint the petitioner as Village Assistant, Jagirammalayam Village, Sooramangalam Firka, Salem West Taluk, Salem District with retrospective effect from the date of appointment of the 7th respondent with all consequential benefits and to issue direction to the 1st respondent herein to forthwith initiate criminal / disciplinary action against the 8th respondent and to initiate criminal action against the 7th respondent herein within a limited time frame.

2. Heard Mr.M.Ravi, learned counsel for the petitioner, Mr.T.Chezhiyan, learned Additional Government Pleader for R1 to R6 Mr.S.Isaac Prince, learned counsel for R7 and perused the materials available on record.



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3. According to the petitioner, the appointment of the seventh respondent to the post of Village Assistant is improper as he is residing at Kottamettupatti Village, Omalur Taluk and the seventh respondent has fabricated the records with the connivance of the officials and his certificate with regard to pass in 8th STD is also a concocted one.

4. It is submitted by the learned counsel for the petitioner that the petitioner is a resident of Salem West Taluk and he is fully eligible for the said appointment. Hence, the appointment of the seventh respondent should be set aside and the petitioner should be replaced in the said post.

5. The learned Additional Government Pleader for the respondents 1 to 6 submitted that both the petitioner and the seventh respondent were not sponsored by the District Employment Office. As per G.O.Ms.No.44, Labour and Employment (T2) Department dated 11.03.2015, the employer has to notify the vacancies in two prominent local newspapers apart from the notification sent from the District Employment Office. The



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said procedure has been complied and the candidates who have applied through the newspapers were also considered along with the candidates who have sponsored through employment exchange.

6. In the counter of the fourth respondent it is stated that the seventh respondent had shifted to Salem West Taluk during the year 2015 and he obtained residential proof also accordingly.

7. The address correction in the Government documents were not made then and there during 2016 as available now. As such, there is no irregularity in considering the seventh respondent's candidature basing on his residential address. Further, the seventh respondent has also completed his 8th STD at St.Nicholas Middle School, R.C.Chettipatti, Omalur Taluk, Salem District. So, it is for the fourth respondent to convince about the genuineness of the certificate furnished by the seventh respondent. Without any basis, the petitioner cannot allege that the certificate produced by the seventh respondent is a fraudulent one.



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8. The petitioner, seventh respondent and all other candidates who had applied and whose applications were accepted were called for the interview. Basing upon their performance and all other parameters that have to be considered for the purpose of appointment, the seventh respondent was found to be a fit candidate and he has been given with an appointment order. Out of 12 candidates who had been called upon to attend the interview, the seventh respondent and yet another person were considered for the post called for and they have been given with the appointment order. As the petitioner did not substantiate the allegations and the records would show that there is no irregularity or illegality in the appointment of the seventh respondent, I find no reasons for interference.

9. In the result, this Writ Petition is dismissed. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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R.N.MANJULA, J.

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