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W.P.No.14829 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.14829 of 2023
and W.M.P.Nos.14393 & 14394 of 2023

Nathiya.V

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep., by its Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai-600 005

2.The District Collector,
District Collector Office,
Tiruvannamalai District.

3.The District Collector,
Tiruvannamalai District.

4.The Tahsildar,
Vandavasi Taluk,
Tiruvannamalai District.

5.Ranjitha.R

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... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent dated 20.02.2023 vide in proceedings Ni.Mu.A5/8448/2022 and to quash the same in respect of the appointment of 5th respondent and consequential direction directing the respondents 1 to 4 to appoint the petitioner as Village Assistant for the Kandavaratti Village, Vandavasi Taluk, Tiruvannamalai, District.

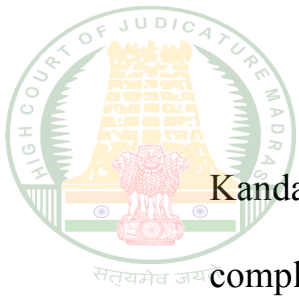
For Petitioner : Mr.K.Chozhan

For Respondents : Mrs.C.Meera Arumugam
Additional Government Pleader
for R1 to R4
No appearance for R5

ORDER

The writ petition has been filed seeking to call for the records of the 4th respondent dated 20.02.2023 vide proceedings in Ni.Mu.A5/8448/2022 and to quash the same in respect of the appointment of 5th respondent and consequently direct the respondents 1 to 4 to appoint the petitioner as Village Assistant for the Kandavaratti Village, Vandavasi Taluk, Tiruvannamalai, District.

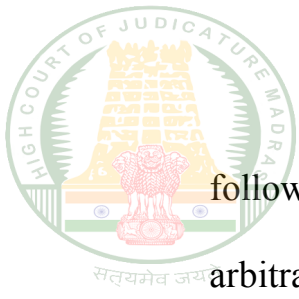
2.The petitioner who belong to Vanniyar Community and a resident of



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Kandavaratti Village, Vandavasi Taluk, Tiruvannamalai, District had completed SSLC in the year 30.05.2002. She has registered her name with District Employment Office at Tiruvannamalai, on 11.01.2011 having Registration No.TMD2011F00000065. She got married in the year 2007 and later on, due to dispute between herself and her husband, she applied for divorce in the year 2012. The petitioner is dependant on her parents for her livelihood and also stays with them. When a vacancy arose for the post of Village Assistant in Kandavaratti Village, Vandhavasi Taluk and as per notification issued by the Department of Employment and Training, Tiruvannamalai, the petitioner applied for the post of Village Assistant and she received a hall ticket on 29.11.2022 for attending the written examination and interview was conducted later, on 04.12.2022. According to the petitioner, she is legally entitled and eligible for the post of Village Assistant as she belongs to the same village. However, the 5th respondent was appointed for the same post from Peranamallur Village, which is 24 kms away from Kandavaratti Village, which is against the violation and norms of the G.O.

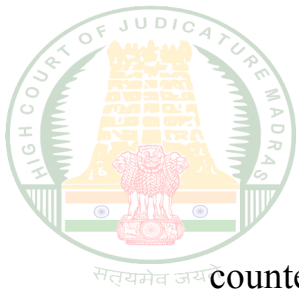
3.According to the petitioner, the 4th respondent unilaterally, without



following the rules, regulations and guidelines appointed the 5th respondent arbitrarily, who belongs to a different village which is far away, about 24 kms from Kandavaratti Village.

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4. According to the petitioner, the impugned order has been passed without following Rule 53(7) of the Tamil Nadu Services Manual for Village Assistant which talks about the other qualifications and without following the Rule 53(7) they passed the order. The Rule reads that *"the person appointed to the post shall belong to the village to which he is appointed or adjoining village if no suitable candidate is available from that village"*. Therefore, the appointment of the 5th respondent by the 4th respondent is illegal, incompetent and erroneous. She filed this writ petition stating that the 5th respondent's appointment is not legal and the petitioner who performed well in the exam and the viva was not considered and the appointment only favours the 5th respondent. She has been given only zero mark for reading English which is false and prayed that her candidature has to be considered by quashing the impugned order dated 20.02.2023 and to appoint the petitioner as Village Assistant, Kandavaratti Village, Vandhavasi Taluk.



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5.The list issued by the authorities was considered by this Court and counter affidavit and typed set of papers filed by the respondents were also considered.

6.On going through the counter affidavit, it is seen that the Commissioner of Revenue Administration and Disaster Management, Chennai, in his letter No.RA II(2)/01-04/468 dated 28.09.2022 directed all the District Collectors in Tamil Nadu to take steps to fill up the vacancies in the post of Village Assistants and issued guidelines for the process of recruitment. The District Collector, following the said direction in proceedings No.Se.Mu.No.A4/35960/202 dated 10.10.2022, granted permission to fill up the vacancies in the post of 128 Village Assistants (including 12 posts in Vandavasi Taluk) in Tiruvannamalai District and notification was also published in No.A6/8448/2022 in two leading Newspapers in Tamil on 10.10.2022 inviting applications from the qualified persons for the 12 posts in the Vandavasi Taluk. The submission of the application was to be completed on 07.11.2022. The qualified persons were called from the District Employment Office, Tiruvannamalai and as a separate list, the petitioner name was also included. A Selection Committee



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was to be formed and accordingly, District Collector appointed P.A to Collector (Elections), Tiruvannamalai as Superintending Officer to supervise the said selection process. One Tahsildar and two Special Tahsildar were appointed as the Committee members who had conducted the written examination and interview. After conducting interview, the selection committee has submitted the combined mark sheet and as per the list of marks Sl.No.174 V.Nathiya, the petitioner herein, who belong to the Most Backward Class Community scored only 65 marks out of 100 marks whereas R.Ranjitha Sl.No.299, who belong to Backward Class Community scored 70 marks out of 100 marks. Based on merits and higher marks scored, the 5th respondent was given appointment as Village Assistant of Kandavaratti Village. The selection of the 5th respondent is only on merit basis and not based on any favouritism shown as alleged by the petitioner. According to the respondents, the Rules and Regulations were framed by the Government of Tamil Nadu as per G.O.Ms.No.574 Revenue and Disaster Management Department dated 17.10.2022. They deny all the averments of the petitioner and stated that they were following the above said G.O.Ms.No.574 Revenue and Disaster Management Department dated 17.10.2022 and selected the 5th respondent as per merit. The grounds raised also are not correct. Before



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appointment order of the 5th respondent was issued, formal approval was given by the District Collector, Thiruvannamalai. Hence, according to the respondents proper scrutiny was done and the petition has no merit and the same has to be dismissed.

7.The petitioner also filed a additional typed set of papers in which the petitioner has filed a reply. According to the petitioner that reply is only general and does not give the details of the recruitment procedure. According to that, the petitioner herein belongs to the Backward Class and scored 62 marks which is false and frivolous, the actual mark scored is 65 marks and she belongs to Most Backward Class which is evident in the mark sheet filed by the respondents in the typed set of papers. They stated that there is no favouritism. But it is clear that only with the ulterior motive to refrain the petitioner from being appointed that the respondents here appointed the 5th respondent. It is definite that it is favouritism and nepotism shown by the respondents. They had not followed Rules 53(7) of the Tamil Nadu Service Manual of Village Assistant which is as follows:

Section 53 (7) Other qualifications



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" (a) No person shall be eligible for appointment to the post unless - (i) he is able to ride u bicycle (il) he satisfies the appointing authority that the character and antecedents are such as to qualify him for the post; and (iii) produces a certificate regarding his physical fitness for the post in the Form prescribed under rule 10 of the Fundamental Rules.

(b) No person shall be eligible for appointment to the post if he has more than one spouse living or if such a person has entered into or contracted a marriage with a person having a spouse living.

(c) "The person appointed to the post shall belong to the village to which he is appointed or adjoining village if no suitable candidate is available from that village" without following aforesaid condition the 4th Respondent appointing 5th Respondent is illegal and incompetent and unjustifiable."

8.The said 5th respondent, who was selected from Paranamallur Village and another girl named one Deepa also from the same Village who has been appointed as Village Assistant in Kizhangunam is unfair and unjustifiable . The 5th respondent, was appointed without considering Rule 4 &5 of the



Special Rules for Tamil Nadu Village Assistant Services, 1980, i.e., Rule of qualification which is extracted hereunder :

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Qualifications:

(1) No person shall be eligible for appointment to the post of a village servant, unless he possesses the qualifications specified below, namely: (i) Knowledge to read and write tamil; and (ii) Knows cycling and is physically fit.

(2)The appointing authority shall also take into consideration the following factors, namely (i) Whether the applicant is a resident of the charge of the village; (ii) Whether the applicant is a person belonging to one of the communities included in the list of backward classes recognized by the Government of TamilNadu.

(iii) Whether the applicant is a person belonging to scheduled castes/scheduled tribes; and (iv) Whether the applicant is an ex-serviceman.

(4) In making appointments under these rules, the appointing authority shall take into consideration the character and antecedents of the applicants.

9. According to the petitioner, she is a suitable candidate and satisfies



the conditions prescribed as per G.O.Ms.No.574 dated 17.10.2020 and the selection is extremely arbitrary and illegal and she prays that her case has to be considered.

10.The learned counsel appearing for the respondents Department had filed a counter and the typed set of papers wherein it is found that the notification was issued and at each and every time the Tahsildar concerned obtained the approval at each and every stage of the selection process from the District Collector concerned and the District Collector ensured that the entire process of selection is not made on favouritism and nepotism. The entire process was transparent one, the result was published in websites of the District Collectorate concerned. According to them, the Education qualification, reading and writing skill, nativity and interview were alone considered for appointment. According to them, marks awarded for education qualification is extracted hereunder:

வ. எண்	இன சுழற்சி விபரம் / வ.எண்	விண்ணப்ப எண்	மதிப் பெண்	பெயர் மற்றும் முகவரி (திருவாளர்கள்)	பணி நியமனம் செய்யப்படும் கிராமம்
1	GT(NP)W Sl.No.19	28106042209	76	சுமதி.வ, நெ.184/2, பழைய காலனி, ஆயலவாடி கிராமம், வந்தவாசி வட்டம்.	ஆயலவாடி



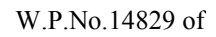
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2	BC(P) G SI.No.20	28106387143	69	முருகானந்தம்.ஏ, நெ.1/58, ரோட்டுத் தெரு, கீழ்க்குளையேடு கிராமம், வந்தவாசி வட்டம்.	வெண்மந்தை
3	GT(P) G SI.No.21	28106039843	72	கதிரவன்.செ, நெ.156, பிள்ளையார் கோவில் தெரு, தென்னாத்தூர் கிராமம், வந்தவாசி வட்டம்.	ஆச்சமங்கலம்
4	SC(NP) G SI.No.22	28106285651	75	கார்த்திக்ராஜன். ஆ, நெ.373/1, முத்துமாரியம்மன் கோயில் தெரு, அராகுர் கிராமம், வந்தவாசி வட்டம்.	அருந்தோடு
5	MBC(NP) W SI.No.23	28106109415	73	காந்திமதி.லே நெ.227, பெருமாள் கோவில் தெரு, கொவளை கிராமம், வந்தவாசி வட்டம்.	கொவளை
6	BC(NP)G SI.No.24	28106049051	71	வினோத் பாலாஜி.தே நெ.70, திருவள்ளுவர் தெரு, நல்லூர் மதுரா கொண்டையன்குப்பம் கிராமம், வந்தவாசி வட்டம்.	கண்டையநல்லூர்
7	GT(NP)G SI.No.25	28106165259	76	மதன்.சு, நெ.16, பிள்ளையார் கோயில் தெரு, வந்தவாசி நகரம், வந்தவாசி வட்டம்.	கீழ்பாக்கம்
8	SC(NP)W SI.No.26	28106091645	70	சரளாதேவி.ச நெ.192, அம்பேத்கார் தெரு, கீழ்ச்சமங்கலம் கிராமம், வந்தவாசி வட்டம்.	பாதூர்
9	GT(NP)G SI.No.27	28106387591	76	சாந்தகுமார்.பா, நெ.8, வேளாளர் தெரு, நம்பேடு கிராமம், வந்தவாசி வட்டம்.	நம்பேடு
10	MBC(P)G SI.No.28	28106224601	68	தீபா.சு, நெ.3/1, குளக்கரை தெரு, பெரணமல்லூர் கிராமம், வந்தவாசி வட்டம்.	கிழங்குணம்
11	GT(NP)W SI.No.29	28106111919	76	ரேவதி.ந, நெ.38/2, ஈஸ்வரன் கோவில் தெரு, அழகுர் கிராமம், வந்தவாசி வட்டம்.	அழகுர்
12	BC(NP)W SI.No.30	28106045633	70	ரஞ்சிதா.ஆ நெ.19/30, ஜெயினர் தெரு, பெரணமல்லூர் கிராமம், வந்தவாசி வட்டம்.	கண்டவராட்டி

பார்வை-6-ல் காணும் சென்னை உயர்நீதிமன்ற வழக்கு எண்- W.P.No.14829/2023-ல் வழக்கு தொடர்ந்துள்ள வந்தவாசி வட்டம், கண்டவராட்டி கிராமத்தைச் சேர்ந்த திருமதி.வெ.நதியா





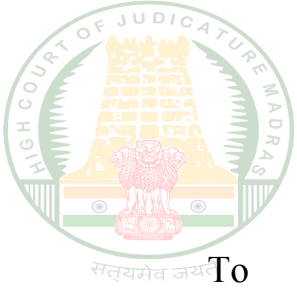
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11. The petitioner has obtained 65 marks out of 100 and the other persons Ranjitha has obtained 70 marks. According to them, she is a B.C and she has got 70 marks but the petitioner obtained only 65 marks and for reading skill in English the petitioner obtained only '0' mark as against '5' marks earmarked. The 5th respondent Ranjitha obtained '4' marks for reading skill in English and it is seen that the petitioner's mark was '65' and many candidates have obtained '65' marks who belong to M.B.C Community. In view of the above said stand taken by the Government and also going by the marks awarded, it is seen that the petitioner, who was obtained '65' marks was not eligible and the person who got '70' marks had to be selected. As the petitioner was not in a position to read the English material, which carries '5' Marks, she was not selected. It is also seen that the selection was made in the year 2023 and the selected candidate has also completed her probation.

12. For the foregoing reason, this Court finds no merit to interfere with the impugned order and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

24.03.2025

vsn



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- To
- 1.The State of Tamilnadu,
Rep., by its Additional Chief Secretary/
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V.BHAVANI SUBBAROYAN,J.

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