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W.P.No.13484 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM

THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.13484 of 2024
and
W.M.P.No.40326 of 2024

R.Suresh

.... Petitioner

Vs

1.The Additional Director of Survey & Land Records,
Survey House, Chepauk,
Chennai – 600 005.

2.The Regional Deputy Director of Survey & Land Records,
Coimbatore.

3.The District Revenue Officer,
Coimbatore.

4.The Assistant Director of Survey & Land Records,
Coimbatore.

5.The Assistant Director of District Employment Office,
Coimbatore.

....

Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in Na.Ka.A1/5663/2023 dated 31.08.2023, on the file of the fourth
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respondent and quash the same as illegal, incompetent, without jurisdiction and further direct the respondents to reinstate the petitioner with all consequential service and monetary benefits.

For Petitioner : Mr.K.Dhanujayan
for Mr.O.Selvam

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 31.08.2023 passed by the fourth respondent, thereby rejecting the request made by the petitioner seeking cancellation of the order of removal from the post of Field Assistant.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.It is seen from the records that there were 62 vacancies in Coimbatore District for the post of Field Assistant. Out of 62 vacancies, only 32 vacancies were filled and the petitioner was selected and appointed as Field Assistant by the Assistant Director of Survey and Land Records,



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Coimbatore District. The petitioner was sponsored by the Employment Exchange. On receipt of a complaint alleging that the posts of Field Assistants were filled by irregularity, a show cause notice dated 10.03.2015 was issued to the petitioner on the ground that the appointments were not made by properly following the Horizontal Rule of Reservation, as per G.O.Ms.No.142, Personnel and Administrative Reforms (K) Department, dated 14.10.2009 read with G.O.Ms.No.55, Personnel and Administrative Reforms (K) Department, dated 08.04.2010. On receipt of the show cause notice, the petitioner submitted a detailed explanation.

4. Some of the persons who received the show cause notices challenged the said show cause notice dated 10.03.2015 by filing a batch of Writ Petitions in W.P.Nos.10457 to 10464 of 2015 and 10466 to 10471 of 2015 before this Court and the same were dismissed. Thereafter, the fourth respondent passed an order dated 20.09.2019, thereby all the 32 persons who were selected to the post of Field Assistant through Employment Exchange sponsorship had been appointed without following the Rules of Reservation and all of them were dismissed from service. In similar circumstances, in a batch of writ petitions in W.P.Nos.28857 of 2019 and etc

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batch, was decided on 03.09.2021, wherein this Court passed the following orders :

(i)The respondents shall carry out an interim exercise by examining whether the vertical and horizontal reservations in terms of the respective G.O's cited above under the provisions of law were observed and thereafter come to a conclusion as to which of 32 persons who were appointed contrary to the vertical reservation in G.O.Ms.No.142, Personnel and Administrative Reforms (K) Department, dated 14.10.2009 and horizontal reservation in G.O.Ms.No.55, dated 08.04.2010.

(ii)Only to such of these persons among the petitioners a show cause notice may be issued as indicated above.

(iii)Such person may be given an adequate opportunity to defend thus in such proceedings and appropriate orders should be passed on merits in accordance with law considering the law.

(iv)In any case, such of those petitioners who were otherwise entitled to absorbed in regular services, their services shall be regularized with notional benefit in terms of the provisions of the Tamil Nadu Government Servants (Conditions of Services) Act, 2016 and Government orders in force.



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(v) This exercise shall be completed within a period of twelve weeks. No costs. Consequently, connected miscellaneous petitions are closed.

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5. Accordingly, the petitioner submitted a representation. However, the same was not considered and as such, the petitioner once again challenged the inaction. In the meanwhile, as directed by this Court, the fourth respondent, without considering the explanation submitted by the petitioner, terminated the petitioner from service. Thereafter, the representation submitted by the petitioner seeking cancellation of the order of removal from service was rejected without considering the facts and circumstances of the case.

6. A perusal of the counter affidavit filed by the respondents as well as the submissions made by the learned Special Government Pleader appearing for the respondents, reveals that the petitioner was not appointed in accordance with the prescribed procedure, and as such, a show cause notice was issued to the petitioner. On receipt of the show cause notice, the petitioner submitted his explanation and a final order came to be passed, thereby removing the petitioner from service. The specific case of the



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respondents is that the petitioner's appointment was purely temporary under Rule 10(a)(1) of the erstwhile General Rules and that such appointees are liable to be terminated either for want of vacancy or upon discovery of any irregularities at a later stage. Hence, according to the respondents, the order of termination cannot be questioned by the petitioner on the ground of his alleged innocence.

7. That apart, the officials who committed the error in making irregular appointments are facing disciplinary proceedings. Further, the petitioner was not terminated on the ground of violation of the Rule of Reservation based on caste criteria. Instead, he was terminated on the ground that he had been appointed under an incorrect quota, namely, that though he was a normal civilian candidate, he had been appointed under the quota reserved for Ex-servicemen.

8. Admittedly, the petitioner had never applied under the Ex-servicemen quota. However, he was wrongly appointed to the post of Field Assistant under the said quota. In fact, similarly placed persons were given employment on the basis of their representation through the Employment Exchange. The

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petitioner, belonging to the Scheduled Caste community, ought to have been considered under the 18% reservation applicable to the Scheduled Caste candidates out of the 62 vacancies. Therefore, it was the duty of the employer to accommodate the petitioner in accordance with the reservation roster, proportionate to the number of vacancies notified to the Employment Exchange and to fix the candidate based on merit as well as seniority. That apart, the impugned order was communicated to the counsel on record instead of communicating it directly to the petitioner.

9.In view of the above, the order dated 31.08.2023 passed by the fourth respondent cannot be sustained and is liable to be quashed. Accordingly, the order impugned in this writ petition is hereby quashed. The fourth respondent is directed to reinstate the petitioner with all consequential service and monetary benefits, within a period of twelve weeks from the date of receipt of a copy of this order.

10.In the result, this Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.



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Neutral citation :Yes/No

Index:Yes/No

Speaking/Non speaking

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G.K.ILANTHIRAIYAN, J.

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