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W.P.No.42084 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM :

THE HONOURABLE MR JUSTICE G.K.ILANTHIRAIYAN

W.P.No.42084 of 2025

E.Gnanakannan

... Petitioner

Vs.

1.The Revenue Department,
Rep By Its Secretary to the Government of Tamil Nadu,
Fort St. George,
Chennai -600 0090

2.The District Collector,
Cuddalore District,
Cuddalore.

3.The District Revenue Officer,
Cuddalore District,
Cuddalore.

4.The District Employment Officer,
District Employment Office,
Cuddalore Distric
Cuddalore.

5.The Revenue Tahsildar,
Virudhachalam Taluk,
Cuddalore District.

6.Anthoniraj

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in proceedings Na.Ka.No. A6/326/2016 dated 23.09.2025 on the file of the 2nd respondent, so for it pertains to non appointment of the Petitioner for



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the post of Village Assistant, Koonakurichi Village, Virudhachalam Taluk, Cuddalore District, and quash the same as illegal, incompetent and without jurisdiction and further direct the 2nd respondent to appoint the Petitioner for the above said post, based on the direction in W.A.No. 527 of 2022 dated 19.12.2023 with all consequential monetary and other service benefits.

For Petitioner : Mr.Avinashwadhawani

For R1 to R5 : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 23.09.2025 passed by the second respondent, insofar as it relates to the non-appointment of the petitioner to the post of Village Assistant, Koonakurichi Village, Virudhachalam Taluk, Cuddalore District.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 5. Perused the materials available on record.

3.The petitioner applied for the post of Village Assistant for Koonakurichi Village on 24.06.2015 through Employment Exchange, pursuant to the notification issued by the fifth respondent dated 20.06.2015, calling for applications to fill up the vacancies in the post of Village Assistant for ten villages. A total of 35 applications were received

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by the Revenue Tahsildar, out of which 18 applicants participated in the interview. Though the petitioner was effectively participated in the

interview, he was not selected for the said post and the sixth respondent herein was appointed as Village Assistant. It is the specific case of the petitioner that the sixth respondent did not even appear for the interview which was held on 30.06.2015. The Appointing Authority committed fraud and appointed the sixth respondent in an irregular manner. Aggrieved by the said appointment, the petitioner submitted a detailed representation and the same was not considered. Hence, the petitioner was constrained to approach this Court by filing W.P.No.2710 of 2016. This Court, by order dated 20.09.2022, issued the following directions :

“27.In the light of the above discussion the District Collector, the 2nd respondent herein is directed to examine the records surrounding the appointment of the 11th respondent herein, as to whether the 11th respondent was indeed sponsored by the 4th respondent District Employment Officer or not.

28.If the 11th respondent was not sponsored by the 4th respondent District Employment Office, the petitioner should have been appointed as he was sponsored by the 4th respondent District Employment Office to the post of Village Assistant.

29.In case the 2nd respondent concludes that the 11th respondent was indeed not sponsored by the 4th respondent



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District Employment Office or that the 11th respondent was much junior to the petitioner then the 5th respondent shall take expeditious steps to appoint the petitioner to the post of Village Assistant in terms of the Notification dated 20.06.2015. It is left open to the Appointing Authority to take steps to proceed against the 5th respondent if there was any irregularity.

30. The 2nd respondent shall call for the records surrounding the appointment of the 11th respondent, scrutinize the papers and pass appropriate order within a period of 30 days from the date of receipt of a copy of this order. If the appointment of the 11th respondent turns out to be irregular suitable action may be taken against the 11th respondent by issuing a proper Show Cause Notice as to why his appointment should not be cancelled.”

4. Aggrieved by the same, the sixth respondent herein preferred a writ appeal in W.A.No.527 of 2022. The Hon'ble Division Bench of this Court, by order dated 19.12.2023, dismissed the writ appeal and held as follows :

“7. At the outset, it is to be noted that there are disputed questions of fact involved in this appeal. Challenging the eligibility and suitability of the appellant for appointment to the post in question, it was argued on behalf of the contesting first respondent/writ petitioner that the appellant did not participate in the interview at all ; he did not belong to Koonankurichi Village, for which, he was



appointed to the post of Village Assistant ; the name of the appellant was not sponsored by the District Employment Exchange, etc. Having regard to the same, the learned Judge has rightly issued a direction to the third respondent to conduct an enquiry, scrutinise the records and pass appropriate orders, on merits, as regard the appointment of the appellant as Village Assistant in Koonankurichi Village. Such a direction issued by the learned Judge, in our opinion, does not require any interference. It is needless to mention that the third respondent shall afford adequate opportunity to the appellant as well as the contesting first respondent before passing an order, as directed by the learned Judge, in the order impugned herein.

8. Accordingly, this writ appeal is disposed of. No costs. Connected miscellaneous petition is closed.”

5. Pursuant to the directions issued by this Court, the second respondent conducted an enquiry and found that the appointment of the sixth respondent to the post of Village Assistant was irregular and accordingly, cancelled the appointment of the sixth respondent. In fact, the person who had made the appointment of the six respondent was subjected to disciplinary proceedings and was imposed with punishment. Even then, the petitioner was not appointed for the reason that his candidature would be considered in future, while he participated in the recruitment process.



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for appointment to the post of Village Assistant. Such a contention cannot be countenanced. Therefore, the petitioner is eligible to be appointed to the post of Village Assistant in terms of the notification dated 20.06.2015.

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8.In view of the above, the order dated 23.09.2025 passed by the second respondent cannot be sustained and is liable to be set aside. Accordingly, the same is set aside. The second respondent is directed to appoint the petitioner to the post of Village Assistant in Koonakurichi Village, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that the petitioner is entitled for all the benefits only from the date of his actual appointment. The petitioner cannot claim any seniority or any attendant benefits from the date of appointment of the sixth respondent herein if otherwise qualified.

9.In the result, this Writ Petition stands allowed. No costs.

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

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G.K.ILANTHIRAIYAN.,J.

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