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W.P No. 30281 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2025

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 30281 of 2018

and

WMP.Nos. 35342, 35343 and 35345 of 2018

J. Manikandan

..Petitioner

Vs

1.The State of Tamilnadu
rep by its Secretary,
Department of Revenue,
Ezhilagam, Chennai-9.

2.The Principal Secretary -cum-Commissioner of
Revenue Administration
Ezhilagam, Chennai-5

3.The District Collector
Cuddalore District

4.The Tahsildar
Veppur Taluk,
Cuddalore District.

5. T.Rathish Kumar

..Respondents

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order passed by the 4th respondent dated 12.01.2018 in



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Na.Ka.A3-2450-2017 insofar as relating to appointment of the 5th respondent to the post of Village Assistant to Elakiyanur Village, Veppur Taluk and quash the same as illegal, arbitrary, contrary to notification, abuse of power and direct the 4th respondent to appoint the petitioner to the post of Village Assistant, within a time frame as may be fixed by this Court.

For Petitioner : Mr. R.Veeramani

**For Respondents : Dr. S. Suriya, AGP – R1 to R4
Mr. S. Nedunchezhiyan - R5**

ORDER

The challenge in this writ petition is to the impugned order dated 12.07.2018 passed by the 4th respondent in Na.Ka. A3-2450-2017, appointing the 5th respondent as Village Assistant.

2. The 4th respondent issued a notification dated 19.12.2017 inviting applications from eligible candidates possessing educational qualifications ranging from a pass in the 5th Standard to the 10th Standard, the minimum prescribed qualification being a pass in the 5th Standard, for appointment to the post of Village Assistant in Veppur Taluk, Cuddalore District. Pursuant to the said notification, the petitioner and the 5th respondent submitted their applications for the post of Village Assistant in Elakiyanur Village, Veppur Taluk, Cuddalore District. The 4th respondent stated that, after conducting the



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interview and written examination, the 5th respondent was found to be more meritorious, having secured 20 out of 20 marks, whereas the petitioner secured 11 out of 20 marks. Accordingly, the impugned order of appointment was issued appointing the 5th respondent as Village Assistant. Aggrieved by the same, the present writ petition has been filed.

3. Learned counsel for the petitioner submitted that the notification clearly stipulated that only after conducting interviews would candidates who secured higher marks be entitled to appointment to the post of Village Assistant. In the present case, without conducting an interview, the 4th respondent conducted a written examination and arbitrarily awarded 20 marks to the 5th respondent, thereby depriving the petitioner of his legitimate claim to appointment. Therefore, the impugned appointment is arbitrary and legally unsustainable.



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4. In response, learned counsel for respondents 4 and 5 submitted that, as per the instructions issued by the District Collector, Cuddalore, a committee was constituted for selecting candidates to fill the vacancies of Village Assistants. On the date of the interview, i.e., 29.12.2017, out of 119 candidates, only 90 candidates appeared in person, following which a written examination was conducted. In the said written examination, the 5th respondent was found to be more meritorious than the petitioner. Therefore, the appointment of the 5th respondent cannot be said to be mala fide or illegal, and the writ petition is liable to be dismissed as devoid of merits.

5. Heard the arguments of the learned counsel for the parties and perused the materials available on record.

6. The notification dated 19.12.2017 inviting applications for the post of Village Assistant clearly stipulates that candidates must have passed the 5th Standard. Admittedly, both the petitioner and the 5th respondent are 10th Standard fail; however, they have passed the 5th Standard. Therefore, the marks obtained by the candidates pursuant to the interview and written examination conducted by the 4th respondent are required to be considered for appointment to the post of Village Assistant.



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7. In the counter affidavit filed by the 4th respondent, it is clearly stated that out of 119 candidates, only 90 candidates appeared personally for the interview, and thereafter, a written examination was conducted. In the written examination, the petitioner secured 11 marks, whereas the 5th respondent secured 20 marks. In view of the said statement made in the counter affidavit, the petitioner's contention that the 5th respondent was selected and appointed without conducting an interview is without substance. Moreover, the petitioner has admitted to having participated in the written examination; therefore, he cannot contend that the procedure prescribed in the notification was not followed. The examination was conducted by a three-member committee, and the petitioner has not placed any material on record to dispute the averments made in the counter affidavit or to substantiate the allegation that the 5th respondent was awarded 20 marks with the intention of favouring him. Further, the appointment pertains to the year 2017, and as on date, the 5th respondent continues to serve in the said post. In the absence of any mala fide or illegality in the impugned order appointing the 5th respondent as Village Assistant, the contentions raised by the petitioner are untenable.



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8. In view of the above, the writ petition is dismissed as devoid of merits.

Consequently, the connected Miscellaneous Petitions are closed. There shall be no order as to costs.

15.12.2025

Index : Yes
Internet : Yes
Neutral Citation : Yes/No
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To

1.The Secretary,
Department of Revenue,
Ezhilagam, Chennai-9.

2.The Principal Secretary -cum-
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Ezhilagam, Chennai-5

3.The District Collector
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HEMANT CHANDANGOUDAR, J.

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