



W.P(MD) No.9474 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 26.03.2026

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD) No.9474 of 2023

and

W.M.P(MD) Nos.8459 & 8460 of 2023

Vellaiyappan

... Petitioner

Vs.

1.The District Collector

**Dindigul District,
Dindigul.**

2.The Thasildar

**Natham Taluk,
Dindigul District.**

3.Subburaj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of declaration to declare the



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impugned notification dated 09.05.2022 in S.V.No.18/2022 issued by the 2nd respondent and its consequential appointment order as unconstitutional.

For Petitioner : Mr.A.Logesh Kumar

For Respondents : Mr.Shaji Bino -for R1 & R2
Special Government Pleader
Mr.T.S.Mohammed Mohideen– for R3

ORDER

This writ petition has been filed seeking a writ of declaration challenging the impugned notification issued by the second respondent in S.V.No.18/2022 dated 09.05.2022, proposing to fill up the post of Village assistant of various villages and also sought for Consequential direction to declare the appointment order issued in favour of the 3rd respondent as unconstitutional.

2. The second respondent filed counter affidavit and the fourth respondent also filed counter affidavit.



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3. Heard Mr.A.Logesh Kumar, learned counsel for the petitioner and Mr.S.Shaji Bino, learned Special Government Pleader for respondents 1 and 2 and Mr.T.S.Mohammed Mohideen, learned counsel for respondent No.3.

4. Insofar as challenge to the notification is concerned, this Court is not inclined to examine the said aspect for the simple reason that the petitioner himself has participated in the recruitment process as per the impugned notification and emerged as unsuccessful candidate and after having failed to succeed in the selection process, the petitioner has now chosen to challenge the notification. In the light of the settled legal position, the petitioner is estopped from challenging the notification or any of the conditions imposed therein, after having participated in the recruitment process, under the very same notification. Then coming to the other contention raised by the learned counsel for the petitioner need to be considered is that the 3rd respondent is not eligible to be appointed as Village Assistant in respect to the village Chellapanayakkanpatti as he is not the resident of the village.



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5. According to the learned counsel for the petitioner, it is only incase if no candidate is available from the said village, the candidates from neighbouring village can be considered for appointment. In support of his contention, he placed reliance on the Rules of Tamil Nadu Village Assistant Special Rules issued in G.O.(Ms)No.521, Revenue Department dated 17.06.1998.

6. In terms of the said Rule 7(c), the person appointed to the post of Village Assistant shall belong to the village to which, he is appointed or the adjoining village, if no suitable candidate is available from that village. The said Rule came to be amended subsequently, through G.O.(Ms)No.375, Revenue (Ser8(1)) Department dated 19.10.2015 and by virtue of the said amendment now the requirement under Clause (c) of Rule 7 is that the person appointed to the post shall belong to the same Taluk to which he is appointed. The requirement of being resident of the same village was taken away by virtue of the above amendment. Therefore, the ground on which the appointment of the 3rd respondent is sought to be challenged has to fail.



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7. Insofar as far as the other contention raised on the ground that the petitioner herein belongs to disabled category and no reservation is provided in favour of the said candidates, this Court is unable to agree with the said contention.

8. The respondent No.2 has taken a specific stand in paragraph 7 of its counter, contending that the post in question is earmarked for MBC communal category and the 3rd respondent herein is also belonging to the said category. Thus, it is the specific case of the respondent No.2 that they have been following the roster prescribed under Rule 22 of the Special Rules for the Tamil Nadu Ministerial Service and Special Rules for the Tamil Nadu Village Assistants Service.

9. In the light of the above, this Court does not see any reason to interfere with the appointment of the 3rd respondent as Village Assistant of Chellapanayakkanpatti Village and accordingly, the writ



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petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

26.03.2026

Index : Yes / No

Internet : Yes / No

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MUMMINENI SUDHEER KUMAR, J.

RM

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