

**HONB'E JUSTICE CHALLA KODANDARAM**

**WRIT PETITION No.4802 OF 2008**

**ORDER:**

The letter dated 06.02.2008 addressed by the 2<sup>nd</sup> respondent to the President and Managing Committee of the 3<sup>rd</sup> respondent-society is challenged before this Court.

It is the case of the petitioner that pursuant to the resolution dated 01.02.2008 of the 3<sup>rd</sup> respondent- Society, the petitioner was appointed as a Secretary on even date. Now, it is by virtue of the impugned letter dated 6.2.2008 wherein, the 2<sup>nd</sup> respondent recommended the appointment of the 4<sup>th</sup> respondent, petitioner apprehends that he would be removed notwithstanding the fact that the petitioner is fully qualified and the 4<sup>th</sup> respondent not being qualified merely on account of the seniority of the 4<sup>th</sup> respondent.

On the other hand, learned counsel for the 4<sup>th</sup> respondent submits that what all has been stated by the 2<sup>nd</sup> respondent is only to consider the case of the petitioner that at any rate it is for the Managing Committee of the society to take into consideration of the various aspects including the aspects with respect to qualifications, experience, utility etc. and the writ petition itself is premature and liable to be dismissed.

Having considered the submissions made by the respective parties and a careful reading of the letter dated 06.02.2008, does not indicate that there is any clear direction by the 2<sup>nd</sup> respondent to the 3<sup>rd</sup> respondent-society to appoint the 4<sup>th</sup> respondent as a Secretary. The contents of the letter dated 06.02.2008, cannot be read as a direction issued by the 2<sup>nd</sup> respondent. While so, I am also inclined to accept the arguments of the learned counsel for the petitioner that the aspect with respect to the service conditions etc. It is an exclusive prerogative of the society to take a decision. In view of the same, leaving it open to the 3<sup>rd</sup>

respondent-society to consider the respective qualifications with respect to appointment otherwise of the Secretary, the writ petition is closed.

Accordingly, the writ petition is allowed setting aside the letter dated 06.02.2008 addressed by the 2<sup>nd</sup> respondent to the President and Managing Committee of the 3<sup>rd</sup> respondent-society. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

Date:14.11.2016,  
Gk.

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**CHALLA KODANDA RAM,J**



**THE HONB'E JUSTICE CHALLA KODANDARAM**

**WRIT PETITION No.4802 OF 2008**

**Date:14.11.2016**

**Gk**

