

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20910 of 2011

Smt.E.Bakyalakshmi

... Petitioner

Vs.

1.The District Collector
Ariyalur District
Ariyalur.

2.The Block Development Officer
Panchayat Union Office
Sendurai, Ariyalur District.

3.The President
Thalavai Panchayat
Ariyalur District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 31.12.2008 and appoint the petitioner as Panchayat Assistant in the 3rd respondent Panchayat Union, Thalavai Panchayat.

For Petitioner : Mr.P.A.Chithramani

For Respondents : Mrs.K.Bhuvaneswari [For R1]
Government Advocate

Mr.S.V.Duraisolaimalai [For R2 & R3]

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to consider the petitioner's representation dated 31.12.2008 and appoint her as Panchayat Assistant in the 3rd respondent Panchayat Union, Thalavai Panchayat.

2.The learned counsel for the writ petitioner states that the writ petitioner is a permanent resident of Thalavai Village, Sendurai Taluk, Ariyalur District. The petitioner has submitted an application seeking for appointment to the post of Panchayat Assistant in the 3rd respondent Panchayat Union.

3.The allegation of the petitioner is that the application submitted by him has not even been received by the 3rd respondent on the ground that she is a female candidate. Thus, the writ petitioner is constrained to move this writ petition.

4.The learned Government Advocate appearing on behalf of the respondents brought to the notice of the Court in Para no.6 of the affidavit filed by the writ petitioner that

"I have participated in the panchayat election on two occasions for the post of Panchayat President but she was defeated in both the elections" .

5.Therefore, this Court has to draw a factual interference that the writ petitioner being a potential candidate contested in the panchayat election for the post of Panchayat Assistant and she has made an allegation against the third respondent that she has not received the application for appointment. Even, in case of receiving the application from the applicant it is not necessary that the 3rd respondent should appoint the petitioner.

6.Appointment to the post of Village Assistant is to be made only by following the recruitment rules in force.

7.Equal opportunity in Public Employment to all the citizens is the Constitutional mandate and all such posts should be filled by the public authorities only through the Constitutional scheme and in accordance with the recruitment rules in force. Mere submission of application for appointment to the post of Village Assistant will not constitute a right over the petitioner to file this writ petition seeking a direction to consider the representation submitted by her. The petitioner has to participate in the selection process so as to secure public employment.

8.In this view of the matter, this Court is of the opinion that the petitioner has failed to establish even a semblance of right so as to consider her prayer for issuing a direction to consider the representation. Accordingly, the writ petition stands dismissed. However, there is no order as to costs.

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Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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To

1.The District Collector
Ariyalur District
Ariyalur.

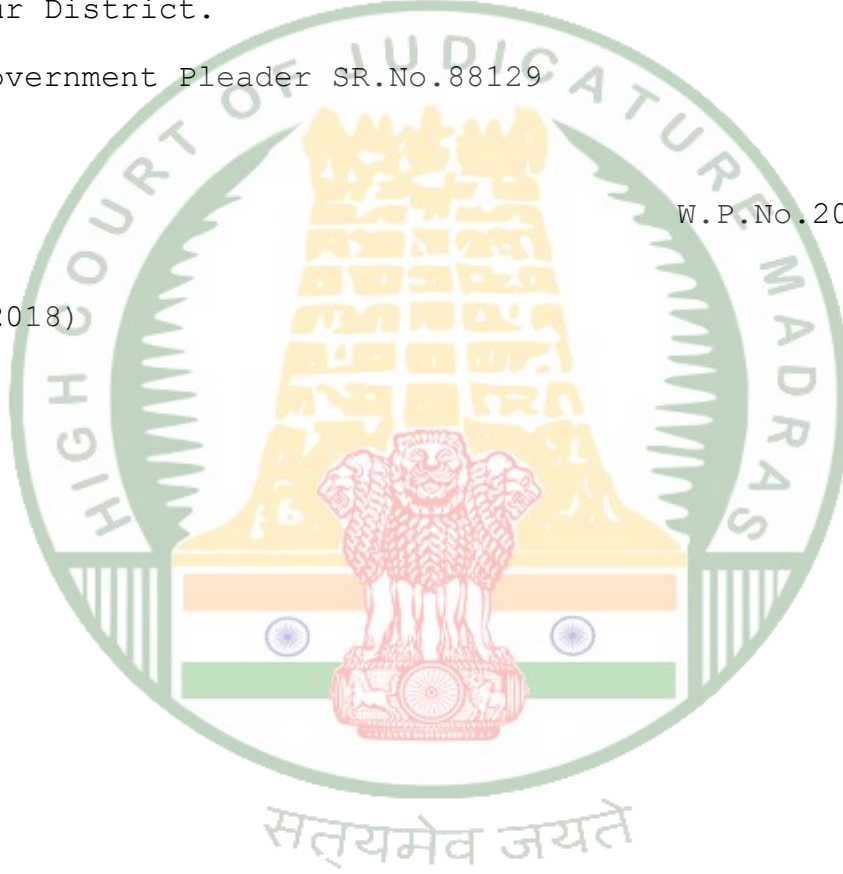
2.The Block Development Officer
Panchayat Union Office
Sendurai, Ariyalur District.

3.The President
Thalavai Panchayat
Ariyalur District.

+1cc to Government Pleader SR.No.88129

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GN(09/01/2018)



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