



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2017

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.1381 of 2017

and

WMP(MD).Nos.1135 and 1136 of 2017

E.Balakrishnan

... Petitioner

-vs-

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Assistant Director of Panchayat,
O/o.The Assistant Director of Panchayat,
Tirunelveli, Tirunelveli District.

3. The Block Development Officer,
(Village Panchayat),
Vallioor Union,
Tirunelveli District.

4. The Panchayat President,
Avaraikulam Panchayat,
Vallioor Union,
Tirunelveli District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.'12/30776/2016 dated 04.08.2016 on the file of Respondent No.1 and quash the same the as illegal and consequently direct the Respondent No.1 to promote the petitioner as Panchayat Clerk within the time frame stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Rajasekar

For R1, R2 & R4 : Mr.A.K.Baskara Pandian
Spl.Govt.Pleader

For R3 : Mr.T.S.Mohammed Mohideen

O R D E R

This petition has been filed, seeking to quash the impugned order dated 04.08.2016 passed by the 1st respondent in



Na.Ka.No.'12/30776/2016, by which, the request of the petitioner to appoint him as Panchayat Clerk, was rejected stating that the functions of the Pump Operator and Panchayat Clerk are different. The petitioner also sought a direction to the 1st respondent to promote him the petitioner as Panchayat Clerk.

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2. The case of the petitioner is that though he has requisite qualification to the post of Panchayat Clerk, his case has not been considered; that he filed a writ petition in W.P.(MD) 16711 of 2015 for consideration of his claim to be promoted as Panchayat Clerk, which came to be disposed of on 15.09.2015 with the direction to consider the representation of the petitioner dated 21.07.2015 and 07.09.2015 and that on the basis of the said order, now the 1st respondent has passed the order rejecting the request of the petitioner, which is under challenge in this writ petition.

3. The respondents would contend that as per the Regulation of The Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013, the appointment to the post of Village Panchayat Secretary will have to be made by direct recruitment through Employment Exchange and therefore, the petitioner is not entitled to be appointed as Village Panchayat Secretary.

4. In reply, learned counsel for the petitioner would submit that the petitioner is not seeking appointment to the post of Village Panchayat Secretary, but to the post of Panchayat Clerk.

5. At this juncture, it is submitted by the respondents that one Sheik Abdul Kadar has already been appointed as Panchayat Clerk in the Panchayat vide order dated 22.11.2016 (a copy of which has also been furnished to the petitioner under due acknowledgment) and therefore, the prayer sought for by the petitioner is not maintainable, unless the said appointment order is questioned by the petitioner.

6. Hence, finding much force in the contention raised by the respondents, this Writ Petition is dismissed. However, this order will not preclude the petitioner from challenging the order dated 22.11.2016, after making the said Sheik Abdul Kadar as party to the proceedings, if so advised. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS I)

/True Copy/

Sub Assistant Registrar

To:

<https://hcservices.ecourts.gov.in/hcservices/>

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Tirunelveli.

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Vallioor Union,
Tirunelveli District.

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.5318

+1cc to Mr.T.S.Mohammed Mohideen Advocate SR.No.5103

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SM:MR:01.03.2017:3p/7c

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