IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2018

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE ABDUL QUDDHOSE

W.P. No.9103 of 2018
and W.M.P.No.10928 of 2018

M.Ponnusamy .. Petitioner

-vs-

1.The District Collector,
Salem District, Salem.

2.The Project Officer,
District Rural Development Office,
Salem, Salem District.

3.The Assistant Director,
Rural Development Office,
Salem, Salem District.

4.The Block Development Officer,
Gangavalli Union Panchayat,
Gangavalli, Gangavalli Taluk,
Salem District. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the first respondent to consider the petitioner's representation dated 02.04.2018.

For Petitioner : Mr.L.Rajendran
For Respondents : Mr.T.N.Rajagopalan,
Govt. Pleader

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O R D E R
(Made by Ms.Indira Banerjee, Chief Justice)

This writ petition has been filed purportedly in public interest seeking a writ of mandamus directing the first respondent to consider the representation of the petitioner dated 02.04.2018.

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2.The representation dated 02.04.2018 is for reservation of the post of Secretary of Pachamalai Village Panchayat for scheduled tribes community. It, however, appears that a notification for filling up the vacancy of Secretary of the aforesaid Panchayat has already been issued on 26.03.2018. As per the said notification, the post of Secretary of Pachamalai Village Panchayat has been reserved for Most Backward Classes and de-notified communities as per the 200 point roster. The completed applications were to be submitted on or before 11.04.2018. The last date for submitting applications has also expired. At this stage, there can be no question of interference.

3.Moreover, it appears that similar writ application has been filed in the Madurai Bench of this High Court challenging the notification. We are not inclined to interfere with this writ application, which is similar to the writ application filed before the Madurai Bench. Even though there is no express challenge to the notification in this writ petition, the petitioner has sought withdrawal of the notification and issuance of a fresh notification and thereby, in effect, challenged the notification.

4.In any case, this Court exercising jurisdiction under Article 226 of the Constitution of India, cannot issue a writ of mandamus directing the respondent authorities to consider a representation for reservation of a particular post for a particular category of persons, except in exceptional cases where the notification is in patent violation of the roster rule.

The writ petition is not entertained and the same is dismissed. No costs. Consequently, W.M.P.No.10928 of 2018 is also dismissed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

sra

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To

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Gangavalli Union Panchayat,
Gangavalli, Gangavalli Taluk,
Salem District.

+ 1 cc to Government Pleader Sr.28415

W.P.No.9103 of 2018

(CS-DR)
EU(04/05/2018)

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