

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9112 of 2018

and

W.M.P.Nos.10936 & 10937 of 2018

Muthu Manikandan

.. Petitioner

Vs.

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Director,
O/o. Directorate Office,
Rural and Development Department,
Panagal Building, Saidapet, Chennai.

3.The Assistant Director (Panchayat),
Rural and Development Department,
Tiruvannamalai Taluk,
Tiruvannamalai District.

4.The Block Development Officer,
Tiruvannamalai Panchayat Union Office,
Tiruvannamalai Town,
Tiruvannamalai District.

..Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to notification issued by the 4th respondent in his proceedings in Na.Ka.No.954/2018/UA3, dated 26.03.2018 and quash the same.

For Petitioner : Mr.N.Palani

For RR1 to 3 : Mr.V.Kadhirvelu
Special Government Pleader

For R4 : Mr.N.Srinivasan

O R D E R

The recruitment notification issued by the fourth respondent in proceedings dated 26.03.2018 inviting applications from the eligible candidates for appointment to the post of Panchayat Secretary is under challenge in this writ petition.

2.The writ petitioner claims that he was appointed as part time Panchayat Clerk on 13.07.1997 by the fourth respondent and he served till the year 2011. However, the petitioner is not in service from 2011 onwards.

3.The learned counsel appearing on behalf of the writ petitioner states that the respondents have unilaterally stated that the writ petitioner was terminated from service. However, no such order was served to the writ petitioner so far. The writ petitioner is submitting representations from the year 2011 onwards. However, no reply has been given.

4.On perusal of the order dated 18.01.2007 issued by the Block Development Officer, Thiruvannamalai to the Assistant Director, which is enclosed in page No.11 of the typed set of papers, it is stated that by virtue of the resolution passed by the Panchayat Board council the writ petitioner was terminated from service on 11.11.2001 from the post of Part time Panchayat Clerk. The fact remains that the order of termination has not been challenged by the writ petitioner so far. This apart in the Panchayath Union meeting the termination of the writ petitioner was approved with effect from 11.11.2001.

6.Under these circumstances, this Court is of an opinion that the writ petitioner is not in service from 2011 onwards even as per the admission made by the writ petitioner in this writ petition. The order passed by the Block Development Officer, Thiruvannamalai, states that the writ petitioner was terminated from service on 11.11.2001. May that it be, this court need not consider these facts at this point of time, more specifically, after a lapse of about 7 years even from the year 2011. This apart, the writ petitioner has not taken any action challenging the actions taken by the respondents for the past more than 7 years. The present impugned order is a recruitment notification published on 26.03.2018 inviting applications from the eligible candidates for appointment to the post of Panchayat Secretary. The writ petitioner cannot challenge the said notification and the writ petitioner has challenged the notification only on the ground that the order of termination has not been served to him and he must be considered as deemed to be in service. Such an arguments advanced by the learned counsel appearing for the writ petitioner deserves no merit

consideration. Recruitment notification is independent and no way connected with the termination of the services of the writ petitioner. The writ petitioner has not raised any other valid grounds for the purpose of challenging the recruitment notification dated 26.03.2018.

7. In this view of the matter the writ petitioner has not established even a semblance of right so as to consider the grounds raised in the writ petition for the purpose of interfering with the recruitment notification.

8. Accordingly, this writ petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

may

To

1. The District Collector,
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Tiruvannamalai Town,
Tiruvannamalai District.

+ 1 cc to M/s. S. Sugendran, Advocate Sr.27628

W.P.No.9112 of 2018

RSI (CO)
EU(28/05/2018)