

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.18848 of 2011

P.HARIDOSS
S/O PANNEERSELVAM
MARAMPATTI POST,
UTHANGARAI TALUK,
KRISHNAGIRI DIST. PETITIONER

Vs.

- 1 THE COLLECTOR
KRISHNAGIRI DISTRICT KRISHNAGIRI.
- 2 THE BLOCK DEVELOPMENT OFFICER
UTHANGARAI BLOCK, KRISHNAGIRI DIST.
- 3 THE PRESIDENT
MARAMPATTI PANCHAYAT UNION,
MARAMPATTI, UTHANGARAI TALUK,
KRISHNAGIRI DIST.
- 4 R.CHINNAPONNU
W/O KUMAR,
MARAMPATTI VILLAGE & POST,
UTHANGARAI TALUK,
KRISHNAGIRI DIST. RESPONDENTS

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third respondent to absorb the petitioner as an Assistant in their office by cancelling the proposed appointment of the 4th respondent in the meeting/enquiry/ proceedings to be conducted on 12.8.2011 in the office of the third respondent.

For Petitioner	:	Mr.K.NAGARAJAN
For Respondent No.1	:	Mr.M.Karthikeyan, A.G.P.
For Respondent No.2 &3	:	Mr.P.S.Sivashanmugasundaram
For Respondent No.4	:	Mr.V.Suthakar

O R D E R

According to the petitioner, the petitioner has applied for the post of Panchayat Assistant in the third respondent office. The third respondent has selected 4th respondent by overlooking the petitioner and the said selection is illegal. According to the learned counsel for the petitioner, the third respondent did not call for petitioner and on 9.11.2011 the fourth respondent was appointed directly to the aforesaid post even though the writ petitioner is eligible for appointment to the post of Panchayat Assistant under the third respondent. Therefore, the petitioner has filed the present writ petition before this Court.

2. The learned counsel appearing for the respondents 2 and 3 would submit that the fourth respondent appointment itself was cancelled by the third respondent by subsequent proceedings, dated 9.11.2011. The fourth respondent also filed W.P.No.26523 of 2011 for setting aside the cancellation of his appointment. The third respondent admitted the fact that without following the procedure contemplated under the Rules, the fourth respondent was appointed to the post of Panchayat Assistant. Subsequently, the said appointment was cancelled for the reason that the appointment made by the third respondent is contrary to law. Therefore, no material has been placed before this Court, to show that the third respondent has called for names from the Employment Exchange for the selection to the aforesaid post. Hence, third respondent violates the procedure for selection to the Office Assistant post.

3. In view of the above facts and submission made by the learned counsel for the respondents 2 and 3 and this Court cannot consider the relief as prayed for in the writ petition. Hence, writ petition is deserves to be dismissed. It is open to the respondents 2 and 3 to issue fresh notification for selection to the post of Panchayat Assistant by following the procedure as contemplated under the law.

Accordingly, writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vaan

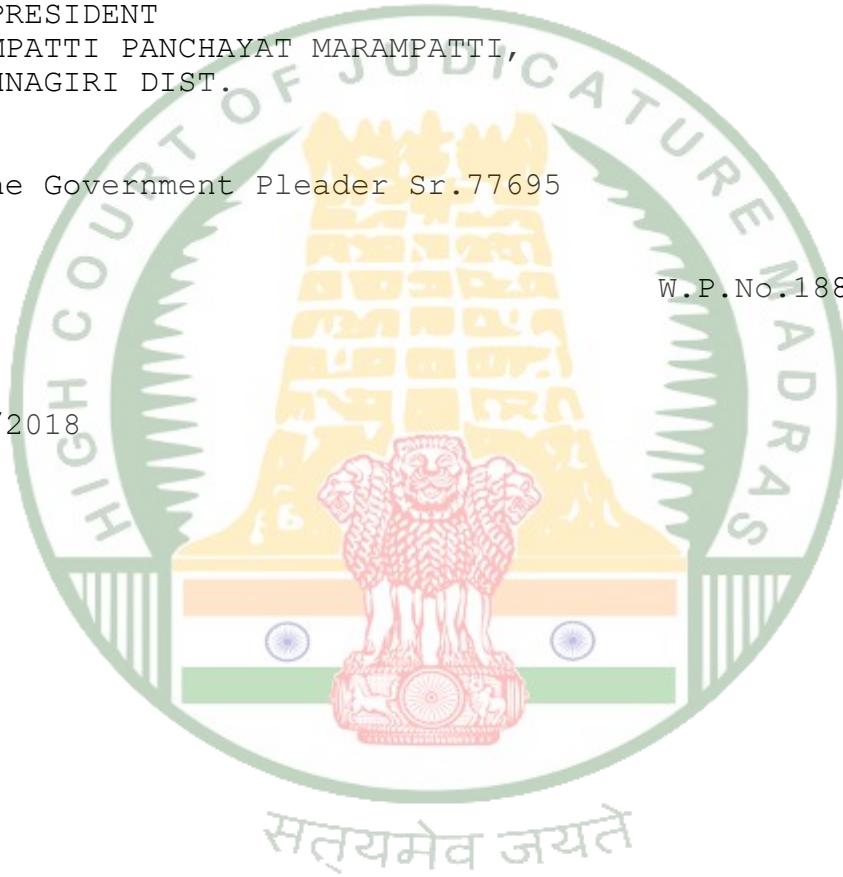
To

- 1 THE COLLECTOR
KRISHNAGIRI DISTRICT KRISHNAGIRI.
- 2 THE BLOCK DEVELOPMENT OFFICER
UTHANGARAI BLOCK KRISHNAGIRI DIST.
- 3 THE PRESIDENT
MARAMPATTI PANCHAYAT MARAMPATTI,
KRISHNAGIRI DIST.

+1cc to the Government Pleader Sr.77695

W.P.No.18848 of 2011

spd[co]
srg 14/12/2018



WEB COPY