

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 10.05.2018

CORAM

THE HONOURABLE MR.JUSTICE V. PARTHIBAN

AND

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.12277 of 2018 and

WMP No.14346 of 2018

C.Katturaja

.. Petitioner

versus

1. The District Collector,
Perambalur District,
Perambalur.

2. The Special Officer,
Block Development Officer,
Alathur taluk, Perambalur District ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondent authorities to fill up the post of Village Panchayat Secretary in Pujangarayanallur, village, Alathur taluk in Perambalur District in a fair and proper manner after giving affordable opportunity to all the eligible applicants and grant appointment to the eligible candidate.

For Petitioner : Mr.A.V.Raja

For Respondents: Mr.E.Manohar, Addl.Govt.Pleader

ORDER

(Order of the Court was made by V.PARTHIBAN, J.)

The instant Writ Petition designed and styled as pro bono publico, has been filed by the petitioner, seeking the following relief:

"To issue Writ of Mandamus, to direct the respondent authorities to fill up the post of Village Panchayat Secretary in Pujangarayanallur, village, Alathur taluk in Perambalur District in a fair and proper manner after giving affordable opportunity to all the eligible applicants and grant appointment to the eligible candidate.

2. According to the petitioner, he is a social worker, serving for the welfare of the general public, espousing various public causes in and around Perambalur, Ariyalur and neighbour districts. It appears that in March, 2018, a notification was issued by the second respondent, calling for applications for filling up of a post of Panchayat Secretary in Pujangarayanallur village, Alathur taluk in Perambalur District, for which, according to the petitioner, many of the incumbents had applied.

3. While so, according to the petitioner, the appointing authorities have already chosen one particular person and without following the procedure contemplated, the post being filled up by the said person. According to the petitioner, the appointment shall be made through the Appointment Committee, consisting of Personnal Assistant (Development) to the Collector, Asst. Director (Panchayat), any one of the Presidents of adjoining panchayats, etc., In this regard, it appears that the petitioner has also made a representation to the respondents, requesting them to fill up the post in a fair and proper manner, which evoked no response. Therefore, the petitioner has come forward, seeking to issue a direction to the respondent authorities to fill up the post of village Panchayat Secretary in a fair and proper manner by following due procedure of law.

4. Heard the learned counsel appearing for the petitioner and the learned Addl. Govt. Pleader for the respondents and perused the materials placed on record.

5. Admittedly, as on date, no person was selected by the respondents for the post of Panchayat Secretary. The case of the petitioner is that the respondents have already chosen a particular person for being selected to the said post without following the recruitment procedure. This would clearly demonstrate that it is mere apprehension of the petitioner that the respondents may select a person to the said post of their choice without following due selection procedure. Anticipating the adverse action based on apprehension, the petitioner has moved the present writ petition, which in our view, is a premature and speculative and therefore, the same is not maintainable. We do not find any merits in the writ petition in order to entertain the same.

6. Accordingly, the Writ Petition is dismissed as not maintainable and devoid of merits. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Perambalur District,
Perambalur.

2. The Special Officer,
Block Development Officer,
Alathur taluk, Perambalur District.

+lcc to Mr.A.V.Raja, Advocate Sr.No.33434

sm:7.6.2018

W.P.NO.12277 OF 2018



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