

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18062 of 2007

And

M.P.No.1 of 2007

Dhali Town Panchayat
rep. by its Chairman
K.Ramya Devi

... Petitioner

Vs.

1.The District Collector,
Coimbatore.

2.The Assistant Director,
Town Panchayat,
Coimbatore.

3.The Executive Officer,
Dhali Town Panchayat
Udumalpet - 642 112.

4.K.Arumugham

5.T.Anguraj

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned order of the third respondent herein in her proceedings in Na.Ka.No.5/2007 dated 04.05.2007 and quash the same.

For Petitioner : Mr.R.Babu

for Mr.K.Kalyana Sundaram

For Respondents: Mr.R.Govindasamy for R1 to R3

Special Government Pleader

No Appearance for R4 and R5

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records relating to the impugned order of the third respondent herein in her proceedings in Na.Ka.No.5/2007 dated 04.05.2007 and to quash the same.

2.The case of the petitioner is that the petitioner is the Chairman of the petitioner panchayat and also one of the appointment Committee members in the petitioner panchayat. Two posts of Sanitary Worker fell vacant in the petitioner panchayat, for which, the third respondent after calling for the qualified names from the District Employment Office vide proceedings dated 13.04.2007, also took steps to conduct interview on 19.04.2007. The District Employment Officer, Coimbatore sent two separate list of candidates on 08.03.2007 and 26.03.2007. Accordingly, all the candidates appeared for the interview. Thereafter, the third respondent made a note in the minutes of meeting stating that the appointment committee member and Chairman of the petitioner panchayat recommended to appoint two S.C. Candidates for the post of Sanitary Workers and further the appointment should be in conformity with G.O.Ms.No.129, Municipal Administration and Water Supply Department, dated 20.07.1998 and further requested suitable advise.

3.It is the further case of the petitioner that thereafter, the third respondent vide proceedings dated 24.04.2007 sought the opinion of the second respondent and the second respondent vide proceedings dated 02.05.2007 suggested that appointment should be in conformity with Guideline No.3 of G.O.Ms.No.129 dated 20.07.1998. Thereafter, the third respondent instead of cancelling the selection of two candidates, vide proceedings dated 04.05.2007 informed the Chairman and the Appointment Committee Member that the second respondent had suggested that appointment should be based on the seniority among the candidates maintained in the District Employment Office. Aggrieved by the same, the petitioner has filed this writ petition.

4.Heard the arguments advanced on either side and perused the materials available on record.

5.Admittedly, the petitioner is not the aggrieved person. If at all the impugned proceedings ought to be challenged, it should be challenged only by the aggrieved persons. The petitioner filed the present writ petition in the capacity of Chairman of Dhali Town Panchayat, now the tenure itself is over. At present challenging the impugned proceedings is unsustainable.

6.The writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Coimbatore.
- 2.The Assistant Director,
Town Panchayat,
Coimbatore.
- 3.The Executive Officer,
Dhali Town Panchayat
Udumalpet - 642 112.

+1cc to the Government Pleader, S.R.No.44055

W.P.No.18062 of 2007
And
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TR(18/07/2018)

सत्यमेव जयते

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