



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.9030 of 2018

B.Hari Balakrishnan

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District.

2.The Block Development Officer,
Village Panchayat,
Thoothukudi Panchayat Union at
Pudukottai,
Thoothukudi District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to appoint the petitioner as a Panchayat Secretary of Kootudankadu Panchayat, Thoothukudi District, by considering the petitioner's representation dated 06.04.2018.

For Petitioner : Mr.S.Ramasamy

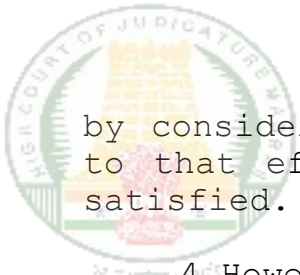
For Respondents : Mr.D.Muruganantham, AGP

O R D E R

The prayer sought for herein is for a Writ of Mandamus, directing the 2nd respondent to appoint the petitioner as a Panchayat Secretary of Kootudankadu Panchayat, Thoothukudi District, by considering the petitioner's representation dated 06.04.2018.

2.Heard Mr.S.Ramasamy, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that the petitioner had been working in a village called Kootudankadu at Tuticorin District as a Pump Operator for more than 20 years. He would further submit that like the petitioner, some other persons, who worked for long years as Pump Operators in various other Panchayats in the same District, had been considered for appointment to the post of Panchayat Secretary and therefore, such a benefit can also be given or extended to the petitioner also,



by considering his representation dated 06.04.2018 and if an order to that effect is directed to be passed, the petitioner would be satisfied.

4. However, Mr.D.Muruganantham, learned Additional Government Pleader would submit that the post of Panchayat Secretary is to be appointed by direct recruitment by way of selection, for which applications were called for from open market by way of notification and if the petitioner is eligible, he can also participate in the selection process.

5. With regard to the said submission made by the learned Additional Government Pleader, the learned counsel appearing for the petitioner would submit that the petitioner is already over aged. As he had been working in the Panchayat as Pump Operator for more than 20 years and he is having educational qualification of B.Sc., degree and in view of the over aged on the part of the petitioner, he may not be considered for the post of Panchayat Secretary. Therefore, as in the case of similarly placed persons, who have been considered by the respondent for such post, the petitioner's case also may be considered.

6. I have heard the rival submissions made by both sides. However, without expressing any view on the merits of the case as has been claimed by both sides, this writ petition, by consent of both sides, is disposed of finally with the following direction:

"The second respondent is directed to consider the representation of the petitioner dated 06.04.2018 with regard to his request for considering him for appointment to the post of Panchayat Secretary at Kootudankadu Panchayat, Tuticorin District and pass orders thereon, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that if the respondents started processing the applications of others, pursuant to the notification calling applications from open market, before taking a decision, the petitioner's request can be considered."

7. With this direction and observation, this writ petition is disposed of. No costs.

Sd/-

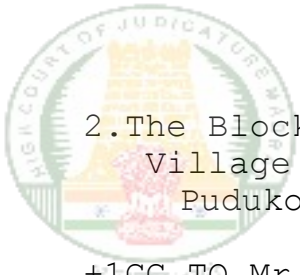
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kootudankadu District.



2.The Block Development Officer,
Village Panchayat,Thoothukudi Panchayat Union at
Pudukottai, Thoothukudi District.

+1CC TO Mr.S.Ramasamy, Advocate, Sr no.63157

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.63087

W.P (MD) No.9030 of 2018
24.04.2018

Arul

MS/SV-MMS/SAR-2/26.04.2018/3P.5C