



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.18609 of 2013
and
M.P.(MD) No.1 of 2013

V.Gireesh Kumar

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Block Development Officer(Village Panchayats),
Munchirai Panchayat Union,
Pudukkadam Post,
Kanyakumari District.

3.The President,
Thoothur Village Panchayat,
Poothurai Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, direct the respondents to appoint the petitioner as sweeper in Thoothoor Village Panchayat, Munchirai panchayat Union, Kanyakumari District as per selection made on 8.11.2013.

For Petitioner	: Mr.V.Sasikumar
For R1	: Mr.R.Sethuraman Special Government Pleader
For R2 and R3	: Mr.T.S.Mohammed Mohidheen, for Mr.J.Imrankhan

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents to appoint the petitioner as sweeper in Thoothoor Village Panchayat, Munchirai panchayat Union, Kanyakumari District as per selection made on 8.11.2013.

2.The learned counsel appearing on behalf of the writ petitioner states that 3 posts of Sweeper were vacant in Thoothoor Village and the process of selection was conducted by the respondents and the writ petitioner had also participated in the process of selection. However, the writ petitioner was not



selected. Thus, he had constrained to move the present writ petition.

3.The learned counsel for the respondents states that the process of selection was conducted and 2 persons were selected and appointed to the post of Sweeper on 23.02.2013. However, the writ petitioner was not selected and appointed. The learned counsel for the respondents further states that the writ petitioner has manipulated the letter issued by the respondents and in this regard the respondents have filed a criminal complaint and the same was registered in Cr.No.281 of 2013, which is now pending for trial.

4.The learned counsel for the writ petitioner states that the writ petitioner ought to have been accompanied in the third vacancy. However, the claim of the writ petitioner was negatived. This Court is of an opinion that the public appointments cannot be secured by submitting a representation or by filing a writ petition. Undoubtedly, the writ petitioner had participated in the process of selection. However, no body was appointed in the third post and 2 posts alone were filled up in the selection process conducted on 22.07.2013. Thus, the writ petitioner was an unsuccessful candidate and he cannot file a writ petition for a direction to appoint him as Sweeper.

5.The process of selection can be challenged if there is any irregularity, illegality, malpractices or corrupt activities. The writ petitioner has not made out any such irregularity or corrupt activities in the process of selection. In the absence of any such valid ground the process of selection cannot be interfered with. Only in case there are certain grave illegalities in the process of selection then the Courts can interfere in the process of selection. In all cases, the authorities competent are empowered to conclude the process of selection and appoint the candidates. In the present writ petition, concerned persons were selected and appointed on 23.02.2013 itself.

6.Under these circumstances, the writ petitioner cannot seek for a direction to appoint him in the third vacancy. Taking a decision in respect of filling up all the vacancies is the administrative prerogative of the competent authorities and the same cannot be questioned by the candidate, who had participated in the selection process. In this view of the matter, the relief as such sought for in this writ petition cannot be granted. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/



To

1 The District Collector,
Kanyakumari District,
Nagercoil.

2. The Block Development Officer (Village Panchayats),
Munchirai Panchayat Union,
Pudukkadai Post,
Kanyakumari District.

+1CC TO M/S.T.S.MOHAMED MOHIDHEEN, ADVOCATE, SR NO.49917

+1CC TO M/S.V.SASI KUMAR, ADVOCATE, SR NO.50043

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.50236

W.P (MD) No.18609 of 2013
20.02.2018

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