

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAN

W.P.No.4771 of 2019

P.Sasikumar

... Petitioner

Versus

- 1.The Secretary,
Rural Development & Panchayat Raj Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Director,
Rural Development & Panchayat Raj Department,
Panagal Building,
Saidapet, Chennai - 600 025.
3. The Collector,
Collector Office,
Villupuram.
4. Assistant Director,
District Employment Exchange,
Collectorate, Villupuram.
5. Assistant Director,
District Employment Exchange,
Collectorate, Villupuram.
6. Block Development Officer (Village Panchayat),
Block Development Office,
Olakkur Panchayat Union Office,
Tindivanam Taluk, Villupuram.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, directing the respondents to consider the representation of the petitioner dated 24.01.2019 and consequently complete appointment for the post of Panchayat Secretary in Kadavambakkam village panchayat by considering the case of the petitioner.

For Petitioner : Mr.Ami V.Kataria

For Respondent

R-1 to R-5 : Mr.P.Rajalakshmi
Addl.Government Pleader

For R6 : Mr.M.Jothi kumar

O R D E R

The present writ petition is filed on ground that the writ petitioner had participated in the process of selection for appointment to the post of Panchayat Secretary.

2. The grievances of the writ petitioner is that the process of selection has already commenced and the writ petitioner also participated in the selection process. However, the Competent Authorities have not concluded the process and declare the results and appointed the candidate. Thus the writ petition is filed for a direction to direct the respondent to consider the representation of the writ petitioner dated 24.01.2019.

3. A candidate who participated in the process of selection cannot have any right to file a writ petition by seeking a direction that the Authorities should conclude the selection process and declare the results. Mere participation in the selection process would not confer any right on the candidate to seek such a direction. Prescription of qualification, issuance of recruitment notifications, completion of selection process and declaration of results and issuance of order of appointment all are administrative prerogative of the Competent Authorities. Only in the event of malpractice, corrupt activities or illegality, the candidates who participated in the selection is at liberty to approach the High Court for quashing of the selection process itself.

4. Contrarily, a candidate who participated in the selection cannot file a writ petition or a direction to the respondents to conclude the selection process. such a right is not conferred on the candidate and the petitioner has to wait for the final results and if at all there is undue delay, the writ petitioner has to approach the Competent Authorities for getting the reasons or otherwise or to the Appellate Authority by making a representation or otherwise.

5. The learned counsel for the writ petitioner states that already writ petitioner made a representation to the District Collector. However, it is for the District Collector to provide

suitable reply to the writ petitioner and the reasons if any, for the delay in declaring the results in respect of the recruitment process undertaken for appointment to the post of Panchayat Secretary.

6. With these observations, writ petition stands dismissed.
No Costs.

Pkn

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,
Rural Development & Panchayat Raj Department,
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Block Development Office,
Olakkur Panchayat Union Office,
Tindivanam Taluk, Villupuram.

+1cc to M/s.Ami.V.Kataria, Advocate SR.NO.15333

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VSN-II (CO)
Kak(02/04/2019)