

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2019

Coram

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1053 of 2018

C.Thirunavukarasu

... Petitioner

Vs.

1. The District Collector
Kanchipuram District
Kanchipuram.
2. The Government of Tamil Nadu
Rep. by its Secretary
Rural Development and Panchayat Raj Department
Fort St.George,
Chennai - 600 009.
3. The Director
Rural Development and Panchayat
Directorate of Rural Development and Panchayat
Chennai - 600 003.
4. The Block Development Officer
St.Thomas Mount
Panchayat Union
Chitlapakkam
Chennai - 600 064.
5. Medavakkam First Grade Panchayat
Rep. by its Panchayat President
Mambakkam, Chennai - 600 100.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent competent authority to consider the petitioner case in the light of the recommendation of respondents 3, 4 and 5, and appoint him either to the post of Computer Operator or to the Post of Panchayat Secretary.

For Petitioner : Mr.S.Sadasharam

For R1 to R3 : Mr.R.S.Selvam
Government Advocate

For R4 & R5 : Mr.N.Inbanathan

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the 1st respondent to consider the case of the Writ Petitioner for appointment to the post of Computer Operator or to the Post of Panchayat Secretary in the light of the recommendation of the respondents 3, 4 and 5.

2. The grievances of the Writ Petitioner is that he is working as Sanitary Worker/Bill Collector in the 5th respondent Panchayat, however, he was asked to perform the duties and responsibilities of Computer Operator, as the petitioner is fully qualified to perform the duties and responsibilities attached to the post of Computer Operator.

3. The case of the Writ Petitioner was recommended by the respondents 3, 4 and 5, in spite of recommendations, the competent authority is not considering the appointment.

4. The order dated 24.08.2015 issued by the District Collector, categorically states that the post of Computer Operator shall be filled up only by way of open competitive process and by issuing recruitment notification. The reply given to the Writ Petitioner by the District Collector in this regard is certainly in accordance with the established principles of law, and the appointments are to be made only by following the recruitment rules in force and the Constitutional Schemes.

5. The competent authorities are bound to follow the Rules in force, while undertaking the process of selection. Equal opportunities to participate in the selection process should be provided to all the eligible candidates, who are all aspiring to secure public employment through open competitive process. This being the principles to be followed, in the event of issuing any recruitment notification for appointment to the post of Computer Operator, the Writ Petitioner is also at liberty to participate in the process of selection along with all other eligible candidates and by following the procedures contemplated in law.

6. With these observations, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

raja

To

1. The District Collector
Kanchipuram District
Kanchipuram.
2. The Secretary, Government of Tamil Nadu
Rural Development and Panchayat Raj Department
Fort St.George,
Chennai - 600 009.
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Chennai - 600 064.
5. The Panchayat President,
Medavakkam First Grade Panchayat
Mambakkam, Chennai - 600 100.

+1 cc to Mr.S.Sadasharam, Advocate Sr.No.9518

+1 cc to The Government Pleader, Sr.No.9711

VBA(CO)
CSL/07.03.2019

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