

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2019

CORAM :

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.9780 of 2019
and
W.M.P. No.10383 of 2019

P.Kannan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai - 600 079.
2. The District Collector,
Coimbatore District,
Coimbatore.
3. The Special Officer/
The Block Development Officer (V.P.)
Thondamuthur Panchayat,
Pollachi South Panchayat Union,
Coimbatore District.

4.S.Sarankumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order made in Na.Ka.No.403/2018/B1 dated 08.03.2019 on the file of the 3rd respondent, quash the same and further to direct the 3rd respondent to appoint the petitioner as Panchayat Secretary of Thondamuthur Panchayat.

For Petitioner : Mr.V.Ravi

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

For R4 : No appearance

O R D E R

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order dated 08.03.2019 on the file of the 3rd respondent, quash the same and further, to direct the 3rd respondent to appoint the petitioner as Panchayat Secretary of Thondamuthur Panchayat.

2.The case of the petitioner is that the petitioner applied for the post of Village Panchayat Secretary of Thondamuthur Village Panchayat, Pollachi Taluk, Coimbatore District. He is fully qualified and eligible for appointment to the said post. The basic and important qualification for the said selection is that an applicant must be a resident within the limits of Thondamuthur Village Panchayat. The petitioner is a native resident of Thondamuthur Village. According to the petitioner, 158 persons applied for the said post and their names were also displayed in the Panchayat Notice Board. But to the shock and surprise of the petitioner, the 4th respondent, who is a resident of K.G.Chavadi, Ettimadai, Bodipalayam Panchayat, Madukkarai Taluk, situated near Coimbatore Corporation, and who is not at all a resident of Thondamuthur Village, got selected to the said post and was appointed vide the impugned order of the 3rd respondent dated 08.03.2019. Challenging the appointment of the 4th respondent to the post of Village Panchayat Secretary, the petitioner has filed the present writ petition.

3.Learned counsel appearing for the petitioner submitted that the petitioner is more qualified among the 158 candidates who applied for the post and he is fully eligible for appointment, however, the 4th respondent, who is not at all a resident of Thondamuthur Village, has managed to get appointed to the said post, in collusion with the 3rd respondent. Hence, the appointment is illegal and is liable to be set aside.

4.Per contra, learned Government Advocate appearing for the respondents 1 to 3 refuted the contentions and submitted that the 4th respondent had submitted his Aadhar Card as proof of address at the time of applying for the said post, in which, the address of the 4th respondent is shown as "4/31, Aranmanai Street, Thondamuthur, Pollachi Taluk", which clearly shows that the 4th respondent is residing well within the limits of Thondamuthur Village, and hence, the appointment of the 4th respondent is in order and warrants no interference by this Court.

5.This Court heard the rival submissions and perused the materials available on record.

6.The only point for consideration is whether the 4th respondent satisfies the eligibility that he is a resident of Thondamuthur Village. Hence, this Court, vide earlier order dated 07.11.2019, directed for the production of any other residential proof of the 4th respondent on the next hearing date, i.e. on 19.11.2019. It appears that the 3rd respondent has sent a letter to the 4th respondent to that effect. It is also seen from the records that the private notice sent to the 4th respondent has been sent to the address at Ettimadi Village, Coimbatore, where the 4th respondent resides according to the petitioner, and the same has also been received by the 4th respondent. While such being the case, there was no representation on the side of the 4th respondent during the earlier occasion, as well as today, to prove his case.

7.In the light of the above, this Court is inclined to set aside the impugned order of appointment dated 08.03.2019, issued by the 3rd respondent. The 3rd respondent shall consider the claim of the petitioner for appointment to the said post based on merits and in accordance with law, if he is otherwise fully eligible. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

bkn
To

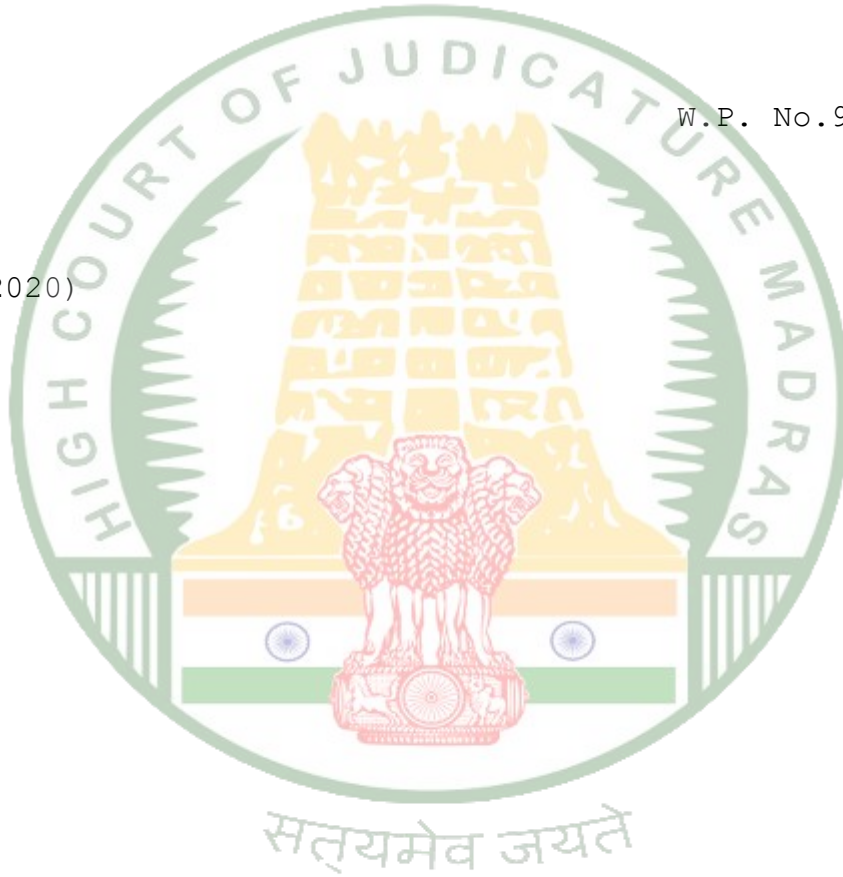
1. The Principal Secretary,
State of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Coimbatore District,
Coimbatore.

3. The Special Officer/
The Block Development Officer (V.P.)
Thondamuthur Panchayat,
Pollachi South Panchayat Union,
Coimbatore District.

+1 CC to Mr.E. Kumaresan, Advocate sr 96347
+1 CC to Mr.V.Ravi, Advocate sr 96708
+1 CC to Mr.R.S.Selvam, Advocate sr 96677
+1 CC to Govt. Pleader sr 96554.

W.P. No.9780 of 2019

GJ(CO)
SP(29/01/2020)



WEB COPY