

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.18015 of 2019
and WMP Nos.17411 & 17412 of 2019

P.Manikkam

... Petitioner

Vs.

1. The District Collector,
Namakkal District, Namakkal.
2. The Block Development Officer, (Villagers)
/ Special Officer,
Mallasamuthiram Block,
Thiruchengode Taluk, Namakkal District.
3. V.Periyasamy ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to quash the order passed by the second respondent vide, Na.Ka.No.:942/2018/T1 dated 22.02.2019.

For Petitioner : Mr. V. Vijayakumar

For Respondents : Mr.P.S.Sivashanmugasundaram
Spl. Government Pleader for R 1

Mr. G.Prabhu

Government Advocate for R 2

Mr.M.Vijayamehanath for R 3

ORDER

This Writ Petition has been filed, challenging the selection of the third respondent to the post of Panchayat Secretary at Vandinatham Village. The second respondent had issued a notification on 28.03.2018 calling for applications to fill up the post of Panchayat Secretary for Kuppichipalayam and Vandinatham Villages at Namakkal District. We are concerned in this case with regard to Vandinatham Village. A paper advertisement was also given on 29.03.2018 in this regard. Totally 103 applications were received and 83 applications were rejected and 20 eligible candidates were considered. The eligible candidates were called for an

interview and considering the marks obtained by them in the interview, the third respondent has been selected as the Panchayat Secretary of Vandinatham Village. This selection has now become the subject matter of challenge in the present Writ Petition.

2. Mr.V.Vijayakumar, learned counsel appearing on behalf of the petitioner submitted that the entire selection process is bad, since interview is the only criteria through which the inter-se merits of the candidates are determined. The learned counsel submitted that such a selection has already been commented upon by this Court, while dealing with a similar case in M.Govindaswamy v. The collector, Office of the Collectorate, Dharmapuri District, in WP Nos.31317 of 2012 and 9600 of 2013, and this Court had specifically directed that no public employment should be made solely based on interview and this Court had also suggested that either there should be a written test or the marks obtained in the 10th standard must be taken into consideration.

3. The learned counsel submitted that both the petitioner as well as the third respondent had satisfied the minimum qualification that is required for being considered for selection. The learned counsel submitted that the petitioner was rejected and the third respondent was selected only based on the marks that were obtained in the interview and according to the petitioner, this process of selection is illegal. The learned counsel further submitted that the third respondent did not register himself with Employment Exchange and he ought not to have been considered for selection.

4. Per contra, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing on behalf of the first respondent submitted that there are three qualifications that are fixed for choosing the eligible candidates. The first qualification is that the candidate must have passed 10th standard. The second qualification is that he must be within the age limit of 18 to 30 for General candidates and 18 to 35 for reserved candidates. The third qualification is that the candidate should belong to the same Village or the adjacent Villages which are specifically notified in the advertisement.

5. The learned counsel submitted that both the petitioner as well as the third respondent had satisfied these criteria. Therefore, they were called for the interview. Based on the marks that were obtained by the candidates, the selection was made and the third respondent was selected and appointed to the post of Panchayat Secretary.

6. The learned Special Government Pleader in order to substantiate his submission, produced the proceedings of the entire interview that was conducted for nearly 22 candidates.

It is seen from the said proceedings that marks are assigned for various categories when the interview was conducted. The same is extracted here under:

10 th standard	-	3 marks
12 th standard	-	4 marks
Degree	-	5 marks
Same Village	-	5 marks
Adjacent village	-	3 marks
General Knowledge	-	15 marks
Knowledge about the concerned Village	-	15 marks
Total	-	50 marks

7. The learned Special Government Pleader by drawing the attention of this Court to the said interview process submitted that the interview is not conducted in an arbitrary manner and the marks are assigned based on the above said criteria and the proceedings that have been produced before the Court clearly shows that the interview was conducted by a three Member Committee consisting of the Zonal Deputy Block Development Officer, the Special Officer and the Block Development Officer. The learned counsel submitted that there is no ground to interfere with the selection of the third respondent.

8. The learned counsel appearing on behalf of the third respondent adopted the arguments made by the learned Special Government Pleader. The learned counsel submitted that in view of the stay granted by this Court, no appointment order has been issued to the third respondent and therefore, he sought for vacating the stay that has been granted by this Court.

9. This Court has carefully considered the submissions made on either side and the materials available on record.

10. It is clearly seen from the notification that the notification prescribes the minimum qualification which has been extracted supra. Both the petitioner and the third respondent satisfied the minimum qualification. Therefore, both of them were called for the interview. Notification itself had stated that the candidates will be chosen only based on the marks that they obtained in the interview. The petitioner was aware about the same and he had participated in the selection. Having participated in the selection, the petitioner cannot be allowed to turn around and question the mode of selection based on an earlier order passed by this Court. It is true that Public employment should not be based only up on interview and it may give rise to arbitrariness. However, in the present case, the interview was made as criteria for selection for all those eligible candidates and there was a method that was followed for conducting the interview. The marks that were assigned towards each criteria, have also been extracted supra.

11. It is brought to the notice of this Court that the petitioner had obtained 22 marks and the third respondent had obtained 33 marks in the interview. Therefore, the third respondent was considered for the selection.

12. This Court does not find any illegality in the selection of the third respondent for the post of Panchayat Secretary. The petitioner was well aware of the fact that the interview will be the criteria for selection to the said post. Therefore, the petitioner cannot be allowed to challenge the criteria after having participated in the selection. The records produced before this Court show that all the eligible candidates were interviewed by Three Member Committee and marks have been assigned for each criteria. Therefore, this Court does not find any arbitrariness in the selection process adopted by the respondents. This Court also does not find any illegality in the selection of the third respondent to the post of Panchayat Secretary and there is no ground to interfere with the same.

13. In the result this Writ Petition is dismissed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

jv

To

1. The District Collector,
Namakkal District, Namakkal.
2. The Block Development Officer, (Villagers)
/ Special Officer,
Mallasamuthiram Block,
Thiruchengode Taluk, Namakkal District.

+1cc to Mr.M.Vijayamehanath, Advocate SR.No.105861

+1cc to Mr.V.Vijayakumar, Advocate SR.No.105507

+1cc to Government Pleader SR.No.105802

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