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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:07.08.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

W.P.No.22285 of 2019

C.Rajavelu

...Petitioner

Vs.

1.State of Tamilnadu rep. By its,
Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai 600 009.

2.The Director of Town Panchayats,
MRC Nagar, Chennai - 600 028.

3.The Asst. Director of Town Panchayats,
Vellore Zone, Vellore - 9.

4.The Executive Officer,
Udhayendhiram Town Panchayat,
Vaniyambadi Taluk, Vellore District.

5.S.Munirathinam

...Respondents

Prayer: Petition filed under Article 226 of Constitution of India, for issuance of Writ of Mandamus directing the first respondent herein to conduct an enquiry with regard to the appointment of the third respondent herein based on his representation dated 7.3.2019 and pass appropriate orders in accordance with law.

For Petitioner : Mrs.Daisy for M/s.G.Bala
and Daisy

For RR 1 to 4 : Mr.J.Pothiraj
Special Government Pleader

ORDER

The petitioner has filed the writ petition to direct the authorities concerned to conduct enquiry in regard to the correctness of appointment of the 5th respondent based on his representation dated 07.03.2019.



2. According to the petitioner, he is the Honorary President of Tamil Nadu Government All Department Employees Union. According to him, the 5th respondent has been illegally appointed as Office Assistant on the basis of selection conducted by the Government. According to the petitioner, one Vimala who had also participated in the selection ought to have been given in preference in public employment, since she had contracted inter-caste marriage and certificate was also available to that effect.

3. The petitioner has not disclosed as what is his relationship with said Vimala and why he is espousing the interest of the said Vimala and filed this writ petition. He claims himself to be the Honorary President of a non-descript Union called Tamil Nadu Government All Department Employees Union. This Court from the averments could see that the petitioner intention to file this writ petition is not bona fide and the writ petition has been filed in order to achieve certain collateral purpose for which this Court cannot be involved in giving direction as prayed for in the writ petition.

4. The person who is aggrieved by the appointment of the 5th respondent is not before this Court, but the petitioner claims himself to be representing the interest of some unknown person and hence, at his instance the writ petition cannot be entertained.

5. The petitioner is 74 years old as per his declaration in the affidavit and the writ petition has been filed without any supporting materials while assailing the order relating to the appointment of the 5th respondent. In any case, such direction cannot be granted at the instance of the petitioner who has no locus standi to question the appointment of the 5th respondent.

6. On this short ground alone, the writ petition is liable to be dismissed. Even otherwise, the writ petition appears to be filed for a mala fide consideration and hence, the same is liable to be dismissed on that count also. For the said reason, the Writ Petition is dismissed as not maintainable. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



Sgl

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To

- 1.Principal Secretary to Government,
State of Tamilnadu
Municipal Administration and Water Supply Department,
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- 2.The Director of Town Panchayats,
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- 3.The Asst. Director of Town Panchayats,
Vellore Zone, Vellore - 9.
- 4.The Executive Officer,
Udhayendhiram Town Panchayat,
Vaniyambadi Taluk, Vellore District.

+lcc to M/s.G.Bala & Daisy, Advocate Sr.67948
+lcc to the Government Pleader Sr.68094

W.P.No.22285 of 2019

rsi[co]
srg 20/09/2019