

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.34201 of 2019

and WMP Nos.34830 & 34831 of 2019

G.Selvan ... Petitioner

Vs.

1. The District Collector,
Salem District, Salem.

2. Special Officer/The Block Developments
Officer (V.P.)
Edappady Panchayat Union,
Edappady, Block,
Salem District.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned Notification in Na.Ka.No.1212/2018/Thi.3 dated 11.11.2019 on the file of the second respondent and quash the same; consequentially direct the respondents to allot the post of Panchayat Secretary of Vembaneri Village Panchayat in Edappady Panchayat Union in Salem District to Most Back Ward Class Category instead of Scheduled Caste, without processing the recruitment as per the said notification dated 11.11.2019.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.P.S.Sivashanmugasundaram
Spl. Government Pleader for R 1
Mr. V.Jayaprakash
Government Advocate for R 2

O R D E R

This Writ Petition has been filed, challenging the notification issued by the second respondent calling for applications to the post of Panchayat Secretary at Vembaneri Village Panchayat, by reserving the same under the Schedule Caste category.

2. The case of the petitioner is that the person, who was working in the post of Panchayat Secretary belonged to MBC Category and therefore, instead of reserving the present selection under the MBC category, the respondent has notified it under the Schedule Caste category to fill up a Backlog

Vacancy. The notification is primarily challenged on this ground.

3. Mr.R.Neelakandan, learned counsel appearing on behalf of the petitioner submitted that the respondent went wrong in notifying the vacancy against the Schedule Caste category on the ground of Backlog Vacancy. The learned counsel submitted that there are only two families belonging to the Schedule Caste, who are living in the said Village and there is no one available from the said category in the Village. The learned counsel further submitted that it was earlier occupied by a candidate belonging to the MBC category and therefore, the notification must have specifically reserved this post only for the MBC candidate.

4. Per contra, Mr.V.Jayaprakash, learned Government Advocate appearing on behalf of the second respondent submitted that a notification was issued in the year 2018, for the very same village to fill up the post of Panchayat Secretary under the Schedule Caste Category. A person was also selected under this category named Ajith Kumar. Since, he was not able to produce the Original Community Certificate, the selection itself was cancelled and therefore, it was carried forward to the present selection that was held in the year 2019. The learned counsel submitted that there is nothing illegal in reserving the post under the Schedule Caste category, since it was a Backlog Vacancy.

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

6. The submission made by the learned Government Advocate appearing on behalf of the second respondent makes it clear that even in the earlier notification that was made in the year 2018, it fell under the category of Schedule Caste candidate and the person, who was selected did not produce the Original Certificate and therefore, the selection itself was cancelled. Therefore, it became a Backlog Vacancy which was carried forward to the present notification that was issued in the year 2019.

7. In view of the above, this Court does not find any illegality in the notification that was issued by the second respondent and there is no ground to interfere with the same. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

To

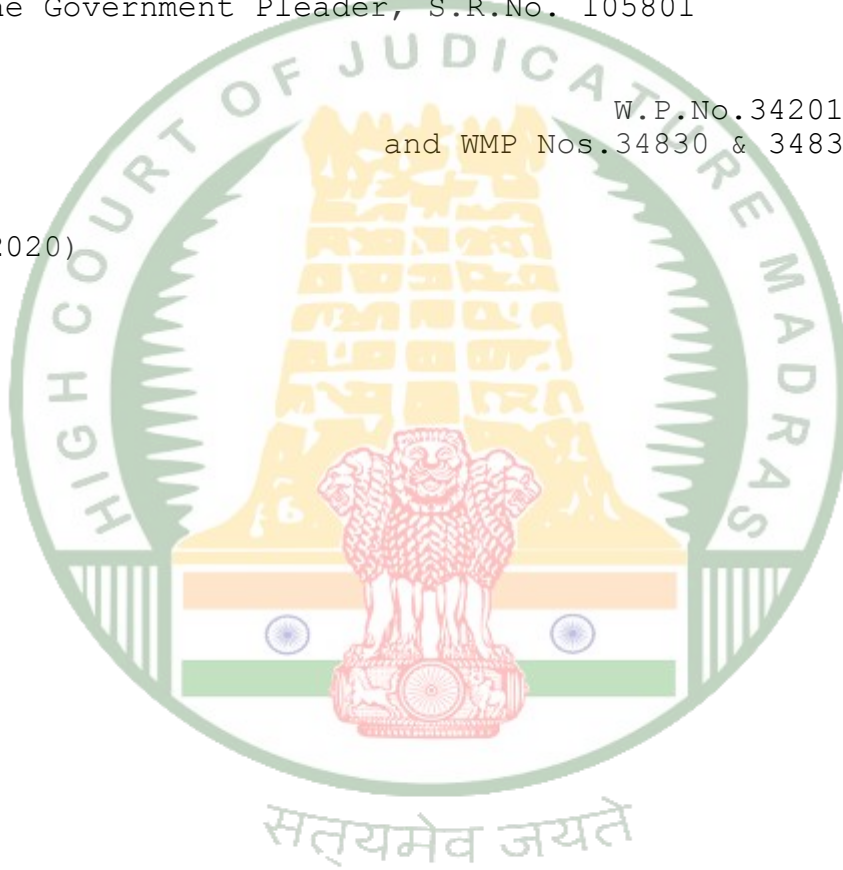
1. The District Collector,
Salem District, Salem.
2. Special Officer/The Block Developments
Officer (V.P.)
Edappady Panchayat Union,
Edapady, Block, Salem District.

+lcc to Mr.R.Neelakandan, Advocate, S.R.No. 105561

+lcc to the Government Pleader, S.R.No. 105801

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SSD(CO)
GN(28/01/2020)



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