

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.33803 of 2019 and WMP No.34310 & 34312 of 2019

D.Boopathi

... Petitioner

Vs.

1. Director of Rural Development and Panchayat Raj,
Panagal Buildings, Saidapet,
Chennai -15.
2. The Personal Assistant Development to the District Collector,
Salem District, Salem.
3. Special Officer / Block Development Officer,
Sankagiri Taluk, Salem District.
4. Devannagoundanoor Village Panchayat,
Represented by the President /Executive Officer,
Devannagoundanoor Village,
Sankagiri Taluk, Salem District. ... 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 relating to the recruitment notification issued by the 3rd respondent vide proceedings in Na.Ka.No.2822/2019/Thi3 dated 11.11.2019 and quash the same and consequently, direct the respondents to give effect to the petitioner's appointment as Panchayat Assistant /Panchayat Secretary w.e.f. 01.12.2008 with all attendant benefits.

For Petitioner : K.C.Karl Marx
For Respondents : Mr.S.N.Parthasarathi
Government Advocate for
R1, R2& R4
Mr.I.Sathish,
Additional Government Pleader
R3.

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O R D E R

This writ petition has been filed challenging the notification issued by the 3rd respondent calling for candidates for appointment to the post of Panchayat Assistant / Panchayat Secretary.

2. It is seen from records that the petitioner claims to have been appointed to the post of Panchayat Assistant in the year 2008 and he functioned only for 10 days. Thereafter, he was prevented from functioning by the Vice President of the Panchayat, which has resulted in the filing of the suits.

3. The 3rd respondent has now issued a notification for filling up the post of Panchayat Secretary. This notification has been challenged by the petitioner mainly on the ground that he was appointed in the year 2008 and he was prevented from functioning as a Panchayat Assistant / Panchayat Secretary. He has crossed the eligible age and therefore, the 3rd respondent must be prevented from proceeding further to make appointment to the post of Panchayat Secretary.

4. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

5. This Court does not find any merits in this writ petition. Admittedly, the petitioner claims to have been appointed to the post of Panchayat Assistant by virtue of a resolution that was passed by the Panchayat. The petitioner also admits the fact that he had hardly functioned for 10 days and thereafter, he was prevented from functioning. The petitioner has not been functioning as a Panchayat Assistant / Panchayat Secretary for more than 10 years. Now, the petitioner wants to stop the 3rd respondent from filling up the post of Panchayat Secretary, as per Rules. The petitioner does not have any locus standi to challenge the notification and that part, it is brought to the notice of this Court that the last date for the submission of the application was over on 25.11.2019.

6. In the result, this writ petition is dismissed. No cost. Consequently, the connected miscellaneous petitions are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

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Sub Assistant Registrar

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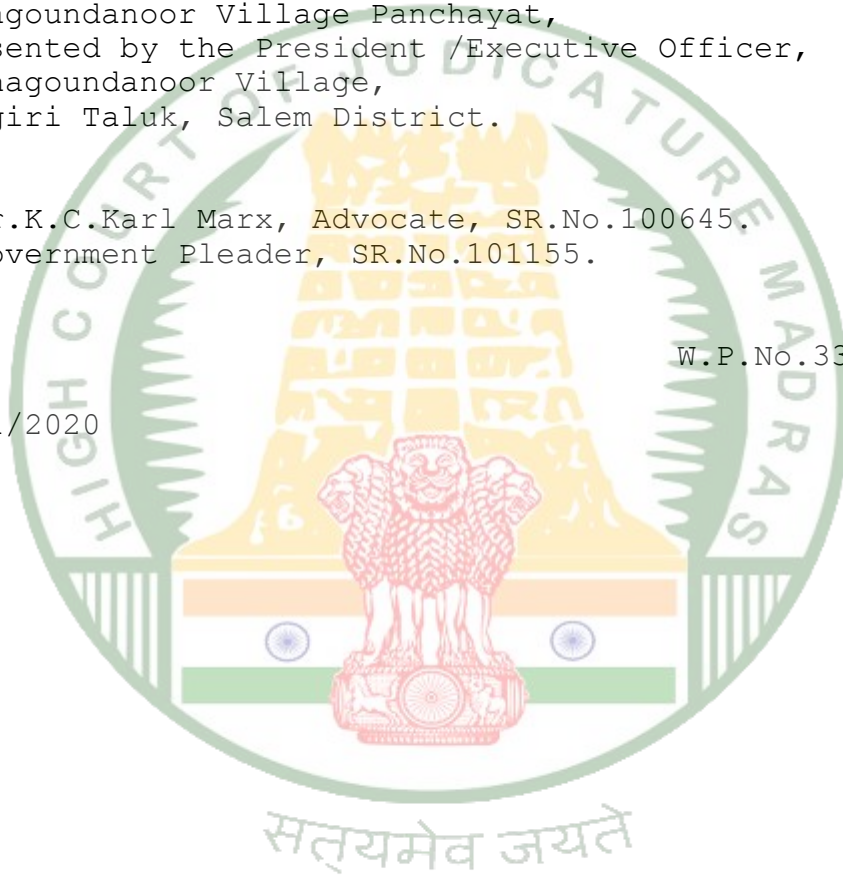
To

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Devannagoundanoor Village,
Sankagiri Taluk, Salem District.

+1cc to Mr.K.C.Karl Marx, Advocate, SR.No.100645.
+1cc to Government Pleader, SR.No.101155.

W.P.No.33803 of 2019

VGI (CO)
CSR: 07/01/2020



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