



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No. 4370 of 2019

and

WMP (MD) Nos. 3476 and 3477 of 2019

S. Karthikeyan

... Petitioner

Vs.

1. The District Collector,
Virudhunagar,
Virudhunagar District.

2. The Assistant Director of Town Panchayats,
Madurai Region,
Collectorate Campus,
Madurai,
Madurai District.

3. The Special Officer,
S. Kodikulam Town Panchayat,
S. Kodikulam,
Virudhunagar District.

4. The Executive Officer/Seithur Town Panchayat,
S. Kodikulam Town Panchayat,
S. Kodikulam,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari mandamus calling for the records relating to the impugned annual tender notice issued by the 4th respondent in his proceedings in na.ka.No.126/2019 dated 12.02.2019 in so far as Serial No.7 is concerned regarding appointment of Computer Operator in S. Kodikulam Town Panchayat, Virudhunagar Dist and quash the same as illegal and consequently to direct the respondents to fill up the post of Computer Operator by direct recruitment vide public advertisement after getting prior permission from the Inspector of Town Panchayat, Chennai be following due process of law.

For Petitioner

: Mr. A. Nawazkhan

For Respondents

: Mrs. J. Padmavathy Devi

Special Government Pleader

**ORDER**

Challenging the impugned Annual Tender Notice issued by the fourth respondent dated 12.02.2019 in so far as Serial No.7 regarding appointment of Computer Operator is concerned, this writ petition has been filed. A further direction has also been sought to the respondents to fill up the post of Computer Operator, as per law.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader for the respondents.

3. The grievance of the petitioner is that the impugned annual tender notice in respect of Sl.No.7, for appointment to the post of Computer Operator in the fourth respondent Panchayat is in violation of the recruitment process. According to him, appointment if any in the public sector, should be made by way of direct recruitment. Therefore, he sought to quash the impugned notice dated 12.02.2019, insofar as Serial No.7 regarding appointment of Computer Operator is concerned.

4. Heard the learned Special Government Pleader appearing for the respondents, who made his submissions supporting the notice impugned herein.

5. From a perusal of the impugned tender notice it is seen that the act of the fourth respondent Panchayat in issuing the tender notification for the purposes mentioned therein is well within its domain and the same cannot be interfered by this Court, unless and otherwise *mala fides* are attributed in the process.

6. Therefore, this writ petition is dismissed. However, it is open to the petitioner to apply as and when vacancy arises in future. No costs. Consequently, WMP(MD)Nos.3476 and 3477 of 2019 are closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar(CS)

mj



To

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Assistant Director of Town Panchayats,
Madurai Region,
Collectorate Campus,
Madurai, Madurai District.

3.The Special Officer,
S.Kodikulam Town Panchayat,
S.Kodikulam, Virudhunagar District.

4.The Executive Officer/Seithur Town Panchayat,
S.Kodikulam Town Panchayat,
S.Kodikulam,
Virudhunagar District.

1CC TO M/S. AJMAL ASSOCIATES, ADVOCATES SR 54423

1CC TO THE SPL GOVT PLEADER SR 54304

KK

22/04/2019

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W.P.(MD)No.4370 of 2019