

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.12033 of 2019

ORDER:

With the consent of learned counsel for both parties, this writ petition is being disposed of at the admission stage.

This writ petition is filed seeking a Writ of Mandamus, declaring the impugned action of the respondents in making selections and appointments to the post of Junior Panchayat Secretary pursuant to the notification dated 31.08.2018 issued by the 1st respondent and violating the analogy of G.O.Ms.No.69 dated 03.05.1990, PESA Act, 1996 and paragraph 5 (1) of V Schedule of the Constitution of India, as illegal, arbitrary and unjust and sought a consequential declaration that the petitioners being local Schedule Tribes are entitled to be appointed in any one of the existing vacancies left unfilled, with all consequential benefits.

Heard Sri N. Joy, learned counsel for the petitioners, and the learned Government Pleader appearing for the respondents.

It has been contended by the petitioners that they are fully eligible and qualified to be appointed to the post of Junior Panchayat Secretary and the respondents have issued notification on 31.08.2018 to fill up the posts of Junior Panchayat Secretary. The petitioners further contended that they have responded to the said notification and have fared decently well in the selections. The petitioners also contended that they are Scheduled Tribes belonging to scheduled areas and, as per the notification and also the Rules, the vacancies in scheduled areas are liable to be filled up only with local Scheduled Tribe candidates. The grievance of the petitioners is that their case for appointment to the post of Junior Panchayat Secretary in the scheduled areas is not considered and, therefore, they have submitted

representations to the respondents on 27.04.2019 and 29.04.2019 requesting to consider their case for appointment to the post of Junior Panchayat Secretary, but so far the respondents have neither passed any orders nor considered their case for appointment to the post of Junior Panchayat Secretary.

Therefore, learned counsel for the petitioners submitted that appropriate orders be passed in the writ petition directing the respondents to consider the representations submitted by the petitioners and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for the respondents had submitted that the case of the petitioners would be considered and appropriate orders would be passed on the representations submitted by the petitioners.

This Court, having considered the rival submissions made by learned counsel for both parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representations submitted by the petitioners and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

18th June 2019
v v