

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.24211 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of the learned counsel for the respective parties.

This writ petition is filed seeking the following relief :-

“.....to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus to declare the impugned action of the respondents in not appointing the petitioner to the post of Panchayat Secretary consequent to his selection to the said post on the ground that the Caste Certificate furnished by him though it was issued by the competent authority as per the Rules treated to be as not genuine even though it has been issued by the competent authority and declared the petitioner under Article 342 of the Constitution of India and in terms of G.O.Ms.No.24 he is Scheduled Tribe and Agency Area Candidate and not communicating the reason for refusal except to display in the notice board is illegal, unfair, unjust and violation of Articles 14 and 21 of the Constitution of India and consequently declare that he is entitled to be appointed to the post of Panchayat Secretary along with others with all consequential benefits by taking into consideration the Agency Area Certificate issued in terms of G.O.Ms.No.24 by the Tahsildar”.

Heard Mr.J.Nagaraja Rao, learned counsel for the petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is a member belonging to scheduled tribe community and a Notification has been issued earmarking certain posts for local scheduled tribe candidates. The petitioner has responded to the said Notification issued by the respondents for the post of Panchayat Secretary and

after participating in the selection process and though he has come up within the zone of consideration for being appointed as a Panchayat Secretary, the respondents are not considering his case for appointment to the post of Panchayat Secretary on the ground that the Certificate produced by him to the effect that he is a member belonging to local scheduled area is not valid. Thereafter, the petitioner has obtained another Certificate to demonstrate that he is a member belonging to local scheduled area. But, so far, the respondents have not passed any orders on the Certificate submitted by the petitioner.

Learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for appointment to the post of Panchayat Secretary.

The learned Government Pleader appearing for the respondents contends that if the petitioner submits a fresh representation to the respondents, the case of the petitioner will be considered and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents within two weeks from the date of receipt of a copy of this order seeking appointment to the post of Panchayat Secretary. Upon such representation being received, the respondents shall consider the

same and pass appropriate orders in accordance with law within eight weeks thereafter.

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 SHAVIL, J

Date: 05-11-2019
Prv



