

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.2075 OF 2020

AND

W.M.P.NO.2421 OF 2020

Anbazhagan

... Petitioner

Vs.

1. The District Collector,
Villupuram District,
Villupuram.

2. The Block Development Officer,
Village Panchayats,
Melmalaiyanur,
Villupuram District.

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of certiorari, calling for the entire records relating to the notification Na.Ka.No.Aa2/475/2019 dated 09.11.2019 on the file of the second respondent herein and quash the same.

For Petitioner : Mr.R.Arundattan

For Respondents: Mr.K.Parameswaran,
Government Advocate

O R D E R

This writ petition has been filed challenging the notification issued by the second respondent on the ground that the appointment to the post of Panchayat Secretary is not being conducted in accordance with the Tamilnadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013.

2. The case of the petitioner is that the second respondent had called for applications to fill the post of Panchayat Secretary in various Villages including Kovilpuraiyur at Melmalayanur Taluk. The petitioner has also applied to the

said post along with all the necessary documents. According to the petitioner, as per the notification, the applicant must be from the same Village to which he is applying for the said post. The apprehension raised by the petitioner is that the respondents are trying to appoint ineligible persons in the place of the petitioner. The further grievance of the petitioner is that the second respondent is not following the rules of reservation which is mandatory insofar as public employment is concerned. Therefore, challenging the selection, the present writ petition has been filed before this Court.

3. A counter affidavit has been filed by the second respondent. The relevant portions in the counter affidavit is extracted hereunder:-

"3) It is respectfully submitted that the petitioner has filed this writ petition purely on the line of imaginary and his entire contention in the writ petition is hypothetical. In this regard the true facts in the appointment of Panchayat Secretary post in Kovilpuraiyur Village is submitted hereunder:

The District Collector, Villuppuram vide his letter. No. PD3/6733/2019, dt: 09.11.2019 have communicated detailed instructions to be followed in the appointment of Panchayat Secretary. As the above exercise was carried out the District Collectorate, they have send communication wherein "Reservation" for each and every vacancy to be filled is clearly indicated.

In that combined list of vacancies with reservation noted against the each panchayat, was received by the Melmalayanur Panchayat Union. According to that the "Panchayat Secretary post of Kovilpuraiyur" Village Panchayat mentioned in S.No. 27 of the combined list of vacancy, is reserved for Most Backward Community and Denotified Communities. The District Collectorate by taking "The District" as a unit, in accordance with Tamilnadu Government Servants (Conditions of service) Act 2016 (Act 14 of 2016), (200 roaster rotation), have allotted reservation to each Village Panchayatin a fixed serial. As stated above, I respectfully submit that the reservation "Most Backward Community and Denotified Communities" for Kovilpuraiyur Panchayat Secretary post is earmarked strictly in accordance with the existing rules in force.

It is further respectfully submitted that as a Block Development Officer (V.P.) Melmalayanur, I have prepared a notification vide our office Reference No.B2/475/2019, Dt. 09.11.2019 and the same was issued. The notification was displayed in the Panchayat Union office "Notice Board" and also in the respective Village Panchayat office "Notice Board". The Notification itself is self explanatory and it contained all the information in regard to the nature of vacancy, required age and education qualification, reservation etc. The notification was published in the National Career Service Portal (www.ncs.gov.in) and Viluppuram District website "www.viluppuram.tn.nic.in". Moreover, to reach common public, necessary advertisement was given in the leading Tamil Dailies by the District Administration itself so as to cover the entire District. Hence the contention of petitioner that wide publicity is not given is absolutely false and contrary to the truth.

It is respectfully submitted that strictly adhering to the time schedule given in the "Notification", application were received from the candidates. By following due procedures, all those received applications were scrutinized and "Interview cum Certificate verification" call letter were despatched to all the candidates who fulfilled the initial requirements like, age, education qualification, reservation, etc., as per the "Notification". In turn, Interview cum Certificate Verification was done at the premises of Panchayat Union Office on 23.12.2019 by the interview panel consisting Block Development Officer (BP), Block Development Officer (VP) and concerned Zonal Deputy Block Development Officer. The committee have since submitted the list of candidates who have attended interview with full details.

Herein I respectfully submit that the process of appointing a new Panchayat Secretary to Kovilpuraiyur Village Panchayat is not yet completed. As explained in the previous para, the Initial and Intermediate stage of calling of application and conducting of "Interview cum Certificate Verification" were only completed and entire list of persues attended the interview is ready to finalise.

The list is not finalised. As this has been the stage of the process, the contention of the

petitioner that the ineligible person is selected and appointed is really false one and absolutely contrary to truth. The petitioner has filed this writ petition only on the line assumption and pretensions.

In this regard, it is submitted to inform that the selection process is not yet completed and eligible candidate who acquired all the eligible criteria will have to be appointed by second respondent.

As this has been the present status that the entire process of recruitment of Panchayat Secretary to Kovilpuraiyur Village Panchayat will be completed in accordance with the provision in the existing rules."

4. It is clear from the stand that has been taken by the second respondent that he has undertaken to proceed further with the selection strictly in accordance with the above said rules and it is also mentioned that the rules of reservation will be strictly followed. It has also been stated that the process of selection is not completed insofar as Kovilpuraiyur Village Panchayat is concerned. The second respondent has also stated that the results cannot be declared separately in one panchayat and the results will be declared at one time in all the panchayats in the process of recruitment to fill up the post of Panchayat Secretary. In view of the specific stand that has been taken by the second respondent which is also reiterated by the learned Government Advocate appearing on behalf of the second respondent, this Court records the specific undertaking given in the counter affidavit and the submissions made by the second respondent and dispose of this writ petition accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

AT

To

1. The District Collector,
Villupuram District,
Villupuram.

2. The Block Development Officer,
Village Panchayats,
Melmalaiyanur,
Villupuram District.

+1cc to Mr.R.Arundattan, Advocate, S.R.No.14863

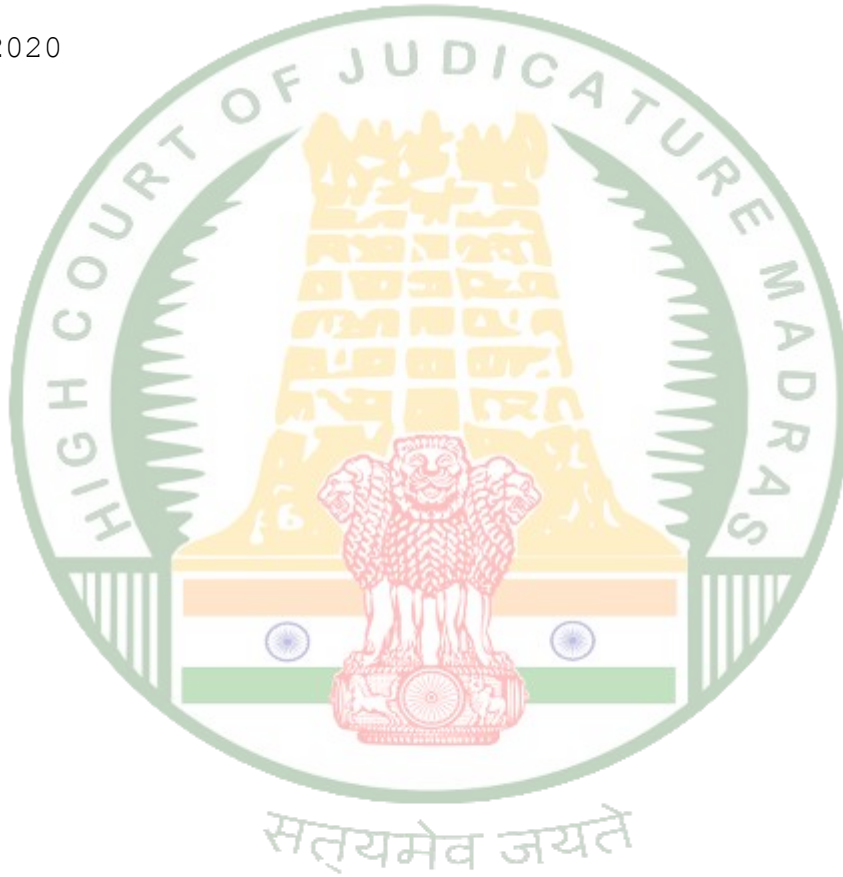
+1cc to the Government Pleader, S.R.No.15118

W.P.No.2075 of 2020

and

W.M.P.No.2421 of 2020

GP (CO)
CS/28/05/2020



WEB COPY