

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.01.2020
CORAM
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
W.P No.6242 of 2019 and
W.M.P.No.7089 of 2019

A.Gobi

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Represented by its Secretary,
Department of Rural Development and
Panchayath Raj,
Chennai-600 009.
- 2.The District Employment Officer,
District Employment Office,
Villupuram - 605 602.
- 3.The Collector,
The Office of District Collector (Development),
Villupuram District - 605 602.
- 4.The Block Development Officer,
Kanai Panchayath Union,
Semmedu Panchayath,
Villupuram District - 605 602.

5.N.Dhandapani

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of declaration, declaring the selection/appointment of 5th respondent and consequent non selection of the petitioner by the respondent 3 and 4 to the Post of Village Panchayath Secretary as violative of Articles 14, 16 and 335 of the Constitution of India and hence null and void and consequently directing the respondents to appoint the Writ Petitioner considering the Order of Seniority on the rolls of Employment Office and the order of Priorities in regard to provision of employment assured vide G.O.Ms.No.188, Personnel and Administrative Reforms (Per.R) Department, dated 28.12.76 as amended in G.O.Ms.No.939, Personnel and Administrative Reforms (Per-R) Department, dated 24.9.86 as subsequently amended in G.O.Ms.No.53, Personnel and Administrative Reforms (Per-R) Department, dated 12.02.1988 in Government employment on the basis of the application given by the petitioner for the said post.

For Petitioner : M/s.J.Viswanathan
For R1 to R3 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader
For R4 : M/s.S.N.Parthasarathi,
Government Advocate

ORDER

This Writ Petition has been filed to declare the selection of the 5th respondent as Village Panchayat Secretary as illegal and for a consequential direction to consider the candidature of the petitioner and appoint him to the post of Village Panchayat Secretary.

2. The case of the petitioner is that a notification was issued by the 3rd respondent, calling for applications to fill up the post of Village Panchayat Secretary. The petitioner submitted an application and according to the petitioner, he had satisfied all the requirements. The petitioner was also called for interview and he submitted all his certificates and he was awaiting for his appointment. However, the 5th respondent was appointed to the said post and aggrieved by the same, the present Writ Petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that the petitioner was the senior most candidate, whose name was given by the employment exchange and he satisfied all the other requirements and that apart, the petitioner should have been given priority/weightage, since he was entitled to be considered in the category of intercaste marriage. The learned counsel further submitted that the 5th respondent, who was not possessing the qualifications and was less meritorious than the petitioner, was appointed and therefore, the same requires interference.

4. The 4th respondent has filed a detailed counter in this case. M/s.S.N.Parthasarathi, learned counsel appearing on behalf of the 4th respondent submitted that there were totally ten candidates, who were called for interview and all their testimonials were scrutinized. The learned counsel further submitted that the present case concerns Semmedu Village, which fell in the General Category and therefore, everyone is entitled to participate and there is no question of reservation in the present selection. The learned counsel submitted that no weightage can be given to the petitioner on the claim made by the petitioner under intercaste marriage. The learned counsel further submitted that the selection process was carried out by comparing the inter se merits of the candidates, who were called for the interview and it was found that the 5th respondent was

more competent to be appointed to the post of Village Panchayat Secretary in Semmedu Village.

5. The 2nd respondent has also filed a counter in this case and has provide the details with regard to the particulars given by the District Employment Exchange, Villupuram.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. It is clear from the stand taken by the respondents and the notification issued by the 3rd respondent that insofar as Semmedu Village is concerned, the selection to the post of Village Panchayat Secretary was coming under General Category. Therefore, it was open to all and no preference can be given to any one based on reservation or priority. Apart from the petitioner, nine candidates were called for interview and all their testimonials were scrutinized and the 5th respondent was found to be more eligible to be appointed to the post of Village Panchayat Secretary. The attempt made by the petitioner to claim for priority under the category of intercaste marriage, is totally unsustainable, since no such priority can be considered in the present selection which fell under the general category. This Court does not find any ground to interfere with the selection of the 5th respondent.

8. In the result, this Writ Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

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To

1.The Secretary,
Department of Rural Development and
Panchayath Raj,
Chennai-600 009.

2.The District Employment Officer,
District Employment Office,
Villupuram - 605 602.

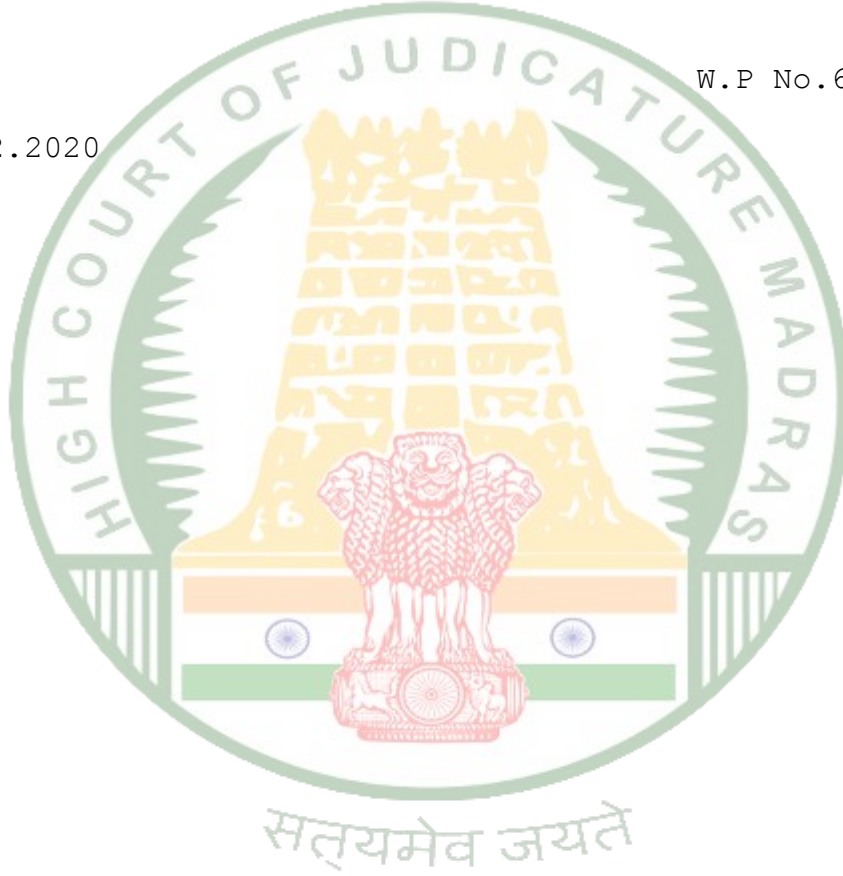
3.The Collector,
The Office of District Collector (Development),
Villupuram District - 605 602.

4.The Block Development Officer,
Kanai Panchayath Union,
Semmedu Panchayath,
Villupuram District - 605 602.

+1cc to Government Pleader, SR.No.2255 & 2217.

SSV(CO)
CSR: 06.02.2020

W.P No.6242 of 2019



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