

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.14029 of 2020
and
W.M.P.No.17419 of 2020

M.Shanmugapriya

... Petitioner

-Vs-

1. The District Collector (Development),
Cuddalore District, Cuddalore.
 2. The Regional Development Officer,
Shreemushnam Panchayat Union,
Shreemushnam, Cuddalore District.
 3. The Panchayat President,
Kodhandavilagam Village Panchayat,
Kodhandavilagam, Nangudi Post,
Cuddalore District 608 702.
- ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 herein to consider the representation of the petitioner dated 05.09.2020 for re-scrutinizing the applications of the candidates and for appointing a special officer for conducting face to face interview for the post of Secretary held on 09.09.2020 & 10.09.2020 at the third respondent office.

For Petitioner : Mr.S.Senthilkumar
For Respondents : Mr.D.Venkatesan, GA

O R D E R

This writ petition has been filed to direct the respondents 1 to 3 herein to consider the representation of the petitioner dated 05.09.2020 for re-scrutinizing the applications of the candidates and for appointing a special officer for conducting face to face interview for the post of Secretary, held on 09.09.2020 & 10.09.2020, at the third respondent office.

2. The case of the petitioner is that a notification was published by the third respondent in November 2019, for

appointment to the post of Panchayat Secretary in the third respondent Panchayat office. In response to the same, the petitioner applied for consideration for appointment to the post notified. According to the petitioner, on 02.09.2020, a communication was sent, directing the candidates to attend interview which was held on 10.09.2020, at the third respondent Panchayat office. The petitioner attended the interview and submitted all the relevant documents on 10.09.2020.

3. According to the petitioner, she came to know that the third respondent has decided to appoint one of his family members to the notified post, without following the selection norms. If the post has been filled up by the family member of the third respondent which is perse illegal and arbitrary, the petitioner would be deprived of her rightful claim for appointment to the notified vacancy. Therefore, she is before this Court seeking for issue of writ of mandamus to direct the respondents 1 to 3, to re-scrutinize the application of the candidates and also for appointing a special officer to conduct interview.

4. This Court is unable to appreciate as to how the writ petition could be entertained on the basis of some bald averments contained in the affidavit regarding the proposed action of the third respondent to appoint one of his family members in the notified vacancy. This Court cannot issue such a blanket direction as prayed for on the basis of the self-serving averments of the petitioner. In fact, this Court is of the view that the writ petition is premature and does not find any specific cause of action for its intervention, at this stage.

5. If any appointment is made illegally or arbitrarily, it is always open to the petitioner to assail the appointment. But, the petitioner cannot expect this Court to take note of her averment which is not supported by any material and act on that averment before arising of any definite cause of action.

6. In the above said circumstances, this Court does not think that the writ petition needs to be entertained and therefore, the same is dismissed as being premature and being without merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

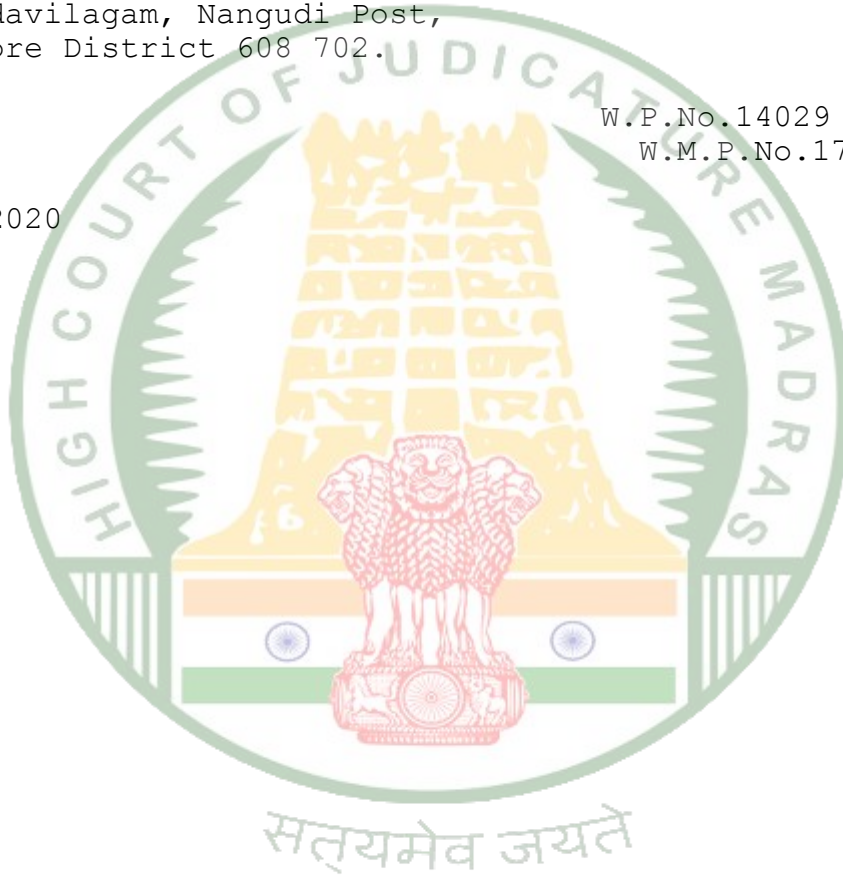
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To

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GJ(CO)
CS/10/11/2020



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