

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.01.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

W.P.No.33737 of 2019
and W.M.P.Nos.34214 & 34215/2019

E. Shanmugam

...Petitioner

Versus

1. The Secretary to Government
Government of Tamil Nadu,
Rural Development and Panchayat Department,
St. George Fort,
Chennai 600 009.
2. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
3. The Tahsildar,
Thandrampattu Taluk,
Tiruvannamalai District.
4. The Special Officer/Block Development Officer,
Thandrampattu Taluk,
Tiruvannamalai District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Certiorari Mandamus calling for the records of the 4th respondent in Na.Ka.No.922/2018/VO3 dated 09.11.2019 and to quash the same as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents to issue fresh notification by considering the most of the people living in Kolamanjanur Village belong to Most Backward Community.

For Petitioners: Mr.S.Ambigapathi

For Respondents: Mr.R.Vijayakumar
Additional Government Pleader
for R1 to R3

Mr.P.Rajalakshmi for R4

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

The Writ Petition, styled as a Public Interest Litigation, is filed by a resident of Mettu Street, Kolamanjanur Village, Thandrampattu Taluk, Thiruvannamalai District alleging among other things that the 4th respondent published a notification dated 09.11.2019 in the Government Gazette inviting applications for the post of Village Panchayat Secretary by way of direct recruitment and also called the eligible candidates to apply for the same.

2. The learned counsel appearing for the petitioner would submit that the petitioner, on going through the said notification, found that persons belonging to Backward Class alone can apply for the post and despite the fact that most of the residents of the said village belong to Most Backward Class community, the petitioner is constrained to approach this Court by filing this Public Interest Litigation, for the reason that the representation dated 13.11.2019 submitted in this regard has failed to invoke any kind of response. When the matter was listed on 20.12.2019, this Court has expressed a doubt as to the maintainability of the Public Interest Litigation in service matter and accordingly granted a liberty to the petitioner to make his submissions.

3. The learned counsel appearing for the petitioner has produced additional typed set of documents and from a perusal of the orders dated 22.01.2016 and 19.04.2017 in W.M.P.(M.D). No.1166/2016 and W.M.P.M.D.No.12032/2014 batch etc, it appears that the aggrieved individuals had filed writ petitions and got interim orders.

4. It is a settled position of law that in respect of service matters, the Public Interest Litigation by a stranger is not maintainable and only a aggrieved person alone can make a challenge to the selection process, as envisaged in the judgment in Hari Bansh Lal v. Sahodar Prasad Mahto & Ors. [2010 (9) SCC

655]. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner may be granted liberty to invoke remedies available under the Right to Information Act to know about the fate of his representation dated 13.11.2019.

5. This Court heard the submission of the learned counsel appearing for the petitioner and R.Vijaya Kumar, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 3.

6. In the light of the above facts and circumstances, this Court is of the considered view that the writ petition, styled as a Public Interest Litigation, in service matters is not maintainable. However, the petitioner is at liberty to invoke the provision of the Right to Information Act to know about the fate of his representation dated 13.11.2019.

7. In the result, the Writ Petition is dismissed with the above observations. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government
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- 4.The Special Officer/Block Development Officer,
Thandrampattu Taluk,
Tiruvannamalai District.

+1cc to Mr.S.Ambigapathi, Advocate SR.2829

W.P.No.33737 of 2019

PP (CO)
CB (20/02/2020)



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