



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.2714 of 2013

M.Selvam

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Assistant Director of Village Panchayats,
Collectorate, Tirunelveli - 9.

3.The Block Development Officer,
Block Panchyat,
Manur Union,
Tirunelveli District.

4.The President,
Village Panchayat,
Thirupani Karisalkulam,
Manur Union,
Tirunelveli Taluk,
Tirunelveli District.

5.A.Isakkimuthu

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Declaration, to declare the selection of the respondent No.5 by the respondent No.4 as illegal and null and void and consequently to direct the respondents to consider the petitioner for appointment to the post of Village Secretary, Thirupanikarisalkulam Panchayat, Mannur Union, Tirunelveli District within the time stipulated by this Court.

For Petitioner : Mrs.Akilandeswari,
for M/S.T.Lajapathy Roy.

For R1 to R4 : Mr.J.Gunaseelan Muthaiah,
Additional Government Pleader.

For R5 : Mr.P.Samuel Gunasingh

ORDER

The relief sought for in this writ petition is for a declaration to declare the selection of the fifth respondent by the

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fourth respondent to the post of Village Secretary as illegal and null and void.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the entire selection was illegal as the fourth respondent appointed the fifth respondent on certain extraordinary consideration. More specifically his selection was made on favoritism and nepotism.

3.However, the fact remains that the fifth respondent was appointed in the year 2013 and the fourth respondent also not holding the Office as of now. The order of appointment issued in favour of the fifth respondent has not been challenged. The process of selection came to an end once the order of appointment was issued.

4.In the present case, appointment order was issued in the year 2013 and the writ petitioner has not taken any steps to challenge the order of appointment and past seven years the fifth respondent continues in the post of Village Secretary. This being the factum, the relief as such sought for cannot be granted.

5.However, the petitioner is at liberty to approach the competent Authorities, if any illegalities have been established in the matter of appointment of the fifth respondent as Village Secretary.

6.With these observations, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

To

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Assistant Director of Village Panchayats,
Collectorate, Tirunelveli - 9.



3.The Block Development Officer,
Block Panchyat,
Manur Union, Tirunelveli District.

4.The President,
Village Panchayat,
Thirupani Karisalkulam,
Manur Union, Tirunelveli Taluk,
Tirunelveli District.

+1 CC to Mr.T. LAJAPATHI ROY, Advocate (SR-19856[F] dated
13/10/2020)

+1 CC to SPL GP (SR-19883[F] dated 13/10/2020)

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VB (02.11.2020) 3P 7C