



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.08.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.8985 of 2020

and

W.M.P (MD)Nos.8212 & 8213 of 2020

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S.Chitra Prabha

...Petitioner

-Vs-

1.The District Collector,
Trichy District,
Trichy.

2.The Block Development Officer,
(Village Panchayat),
Musiri Panchayat Union,
Musiri, Trichy.

3.Aarthi

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the second respondent vide its proceedings in Se.Mu.AA 3/3278/2017 dated .11.2019 and quash the same.

For Petitioner : Mr.M.Karthikeya Venkatachalapathy
For Respondents : Mr.A.Thiyagarajan,
Government Advocate

ORDER

The prayer sought for herein in this writ petition is for a Writ of Certiorari, calling for the records of the second respondent vide its proceedings in Se.Mu.AA 3/3278/2017 dated .11.2019 and quash the same.

2.Heard Mr.M.Karthikeya Venkatachalapathy, learned counsel appearing for the petitioner and Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondents 1 & 2.

3. The case of the petitioner is that the respondents 1 & 2 invited application for appointment of Panchayat Secretary in the year 2018 at the village called Eavoor Village, Musiri Panchayat Union, Musiri District. The said post seems to have been reserved for women candidates. The petitioner being one of the qualified persons, applied pursuant to the notification and the third



respondent also was one among the candidate applied for the said post. Keeping the selection process for 1 ½ years, the selection now had been made and by an order dated November 2019, the third respondent has been selected and appointed as Village Assistant. Challenging the same, the present writ petition has been filed.

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4. The learned counsel appearing for the petitioner would submit that, the petitioner also belongs to the same village as that of the third respondent. Comparing with the qualification and other things, the petitioner is not inferior to the third respondent. However, the learned counsel for the petitioner would submit that, though the selection process started 1 ½ years back i.e., in the year 2018 itself, they could not complete the same and keep it in pending for more than 1 ½ years and in the year 2019 selection has been made in favour of the third respondent. Therefore, it creates a suspicion in the mind of the petitioner that for some extraneous consideration or otherwise, the third respondent might have been selected and appointed and therefore, on that ground, he challenges the said selection and appointment order.

5. I have considered the submissions made by the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents 1 & 2 and perused the materials placed before this Court.

6. In the impugned order, it has been clearly mentioned that based on the Government Order advertisement has been given in daily news papers inviting the applications from the eligible candidates to join as Village Assistant in the said Village i.e., Eavor Village and accordingly, applications were received. In this regard, a committee was constituted which conducted an interview on 23.05.2018, thereafter, by adopting the communal reservation and after identifying the qualifications prescribed in this regard for the person to be considered for the post of Village Assistant, the third respondent has been selected and accordingly, he was appointed as Village Assistant of that village. Therefore, in this regard what are all the procedures and the merit have not been given a go by and the reservation policy of the Government also has been scrupulously followed. When that being the position, this Court feels that absolutely there is no plausible reason to successfully challenge the impugned order. Accordingly, merely because the petitioner also belongs to the same village and the selection process had been kept pending for 1 ½ years and based on the suspicion which arises in the mind of the petitioner, he cannot come forward to challenge the impugned order.

7. Since sustainable ground is not available for the petitioner to challenge the impugned order, this Court feels that there is no infirmity, prima facie, found in the said selection process, which culminated in the impugned order. In that view of the matter, this Court is inclined to interfere with the impugned order.



Accordingly, the writ petition fails and it is dismissed. No costs. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar (AS)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

AM

Note:

(i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Block Development Officer,
(Village Panchayat),
Musiri Panchayat Union,
Musiri, Trichy.

Order made in

W.P. (MD)No.8985 of 2020

Dated:

07.08.2020

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