



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.19043 of 2021
and W.M.P.No.20310 of 2021

M.Selvaraj

Vs.

...Petitioner

1. The Director of Rural Development
and Panchayatraj, Saidapet,
Chennai 600 015.
2. The District Collector,
Perambalur.
3. The Project Director,
Rural Development Scheme,
Perambalur District.
4. The Block Development Officer,
Veppur Panchayat Union,
Veppur, Perambalur District.
5. The Block Development Officer,
Veppanthantai Panchayat Union,
Veppanthantai, Perambalur District.
6. The Block Development Officer,
Perambalur Panchayat Union,
Perambalur, Perambalur District.
7. The Block Development Officer,
Alathur Panchayat Union,
Alathur, Perambalur District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration to declare the entire selection of beneficiaries made by the respondents at Perambalur District to dug well under the scheme of MGNREG (Mahatma Gandhi National Rural Employment Guarantee) Scheme as null and void.



For the Petitioner : Mr.R.Nalliyappan

For the Respondents : Mr.P.Muthukumar
State Government Pleader

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ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner complains that the list of beneficiaries chosen for the undertaking certain work under the Mahatma Gandhi National Rural Employment Guarantee Scheme in Perambalur District is faulty.

2. The petitioner refers to a previous petition in W.P.No.10175 of 2021 where the entire selection list was apparently annulled. The petitioner says that the second respondent Collector of Perambalur has issued a further selection list which is equally flawed. The further grievance of the petitioner is that despite the petitioner's representation on September 16, 2020 the same has not been considered.

3. Ordinarily, the Writ Court should not go into disputed facts. At any rate, it may not be convenient for the Writ Court to assess whether a particular person was entitled to be included in the list of beneficiaries or another ought to have been included ahead of the former. However, the respondent authorities should be vigilant and the entire process should be transparent so that the rightful persons are afforded the benefit and the selection is not arbitrary or guided by extraneous considerations.

4. In the light of the above, the writ petitioner is permitted to carry a detailed representation to the second respondent Collector of Perambalur indicating the grievances or possible grounds of disqualification of the individuals named in the selection list. The petitioner should not make any vague or general allegation, but should indicate specifics pertaining to individuals. Such representation may be carried to the relevant District Collector within a period of three weeks from date.

5. The District Collector should inquire into the grounds indicated by the petitioner and, upon notice to the persons likely to be affected by the Collector's order, take immediate appropriate steps in accordance with law so as to ensure that unworthy candidates are not selected ahead of those more deserving in accordance with the parameters relevant.



6. The reasoned decision of the Collector on the petitioner's representation should be reached to the petitioner within a period of ten weeks from the date of receipt of the petitioner's representation.

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W.P.No.19043 of 2021 is disposed of. W.M.P.No.20310 of 2021 is closed. There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kst/sra

To:

1. The Director of Rural Development
and Panchayatraj, Saidapet,
Chennai 600 015.
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7. The Block Development Officer,
Alathur Panchayat Union,
Alathur, Perambalur District.

+1cc to the Government Pleader, S.R.No.45928

W.P.No.19043 of 2021

SRA[co]
NSK 16/09/2021