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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6146 of 2021
and W.M.P.No.6762 of 2021

S.Gowri

... Petitioner

-vs-

1. The District Collector,
Office of the Collectorate,
Nagapattinam District.
2. The Special Officer /
The Block Development Officer (Village Panchayat)
Mayiladuthurai Taluk,
Nagapattinam District.
3. The Panchayat President,
Varadhampattu Panchayat,
Mayiladuthurai, Nagapattinam District.

... Respondents

Prayer:

Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 15.12.2020, seeking the Village Panchayat Secretary post.

For Petitioner : M/s.C.Renuka

For Respondents : Mr.J.Pothiraj
Spl. Govt. Pleader

O R D E R

The petitioner has filed this writ petition, seeking a direction to the respondents to consider her representation dated 15.12.2020, seeking the Village Panchayat Secretary post.



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2. Mr.J.Pothiraj, learned Special Government Pleader takes notice for the Respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that she, who belonged to Yadhava Community, completed her 10th standard in the year 2005 itself and registered her name with the Employment Exchange, Nagapattinam District. It is further case of the petitioner that though she was called for an interview to the post of Panchayat Secretary and that she duly attended the interview for certificate verification, thereafter there was no communication from the respondents with regard to her appointment. It is also the case of the petitioner that since her husband could not work due to his ill-health, she is struggling with her husband and children and therefore, she made a representation dated 15.12.2020 to the respondents for consideration of her name to the post of Panchayat Secretary, as she has been residing within 100 metre radius from the Panchayat Office. Since the said representation did not evoke any response, she is before this Court seeking for the above relief

4. The relief sought for in this Writ Petition cannot be granted, for the simple reason that for accommodating the petitioner, some other person has got to be displaced and in that process, the entire selection process will become meaningless. The plea of the petitioner that her name should be considered and she alone should be appointed in the post, cannot be accepted. The petitioner, by way of obtaining an order of mandamus to the respondents from this Court, is trying to bring the entire appointment made, if any, to a standstill, which is not permissible. Merely because she resides within 100 metre radius is not a ground to offer appointment to her, by ignoring other eligible / meritorious candidates. Hence, there is no need to issue a direction to dispose of her representation dated 15.12.2020 and the grant of such relief will definitely pave way to one more round of litigation.

5. Hence, finding no merits in the case of the petitioner, the Writ Petition is dismissed. In case the petitioner fulfills all other eligibility criteria and she is found to be better than other candidates, her name may be considered for appointment, if no suitable person is already appointed in the post as on date. However, it is made clear that this Court do not direct the respondents to give appointment to the petitioner, as it is purely for the respondents to decide in the matter based on merit, ability



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and suitability. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VI)

// True Copy//

Sub Assistant Registrar

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To:

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Mayiladuthurai, Nagapattinam District.

+1cc to MS. C. RENUKA, Advocate, SR.No.15806
+1cc to Government Pleader, SR.No.15875

W.P.No.6146 of 2021

UM(CO)
BE(14/07/2021)