



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.727 of 2021

and W.M.P.(MD).No.604 of 2021

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A.Janakiraman

...Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Personal Assistant to District Collector,
Dindigul District.

3.The Assistant Director (Village Panchayat),
Dindigul District.

4.The Block Development Officer,
Aathoor Panchayat Union,
Dindigul District.

5.The President,
Kalikkampatti Panchayat,
Aathoor Panchayat Union,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.1 and 2 not to deviate the Rules namely Tamil Nadu Panchayat Secretaries (Conditions of Service) Rules 2013 in respect of qualification prescribed therein in connection with the appointment to the post of Panchayat Secretary at Kalikkampatti Panchayat, Aathoor Panchayat Union, Dindigul District and consider the petitioner's application for the said post submitted on 18.11.2019 in the light of the petitioner's representation dated 02.01.2021.

For Petitioner : Mr.R.Anand

For Respondents : Mr.M.Muniyasamy for R1 to R3
Additional Government Pleader
Mr.P.Kannithevan for R4 & R5
Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



2. Heard Mr.R.Anand, learned counsel for the petitioner, Mr.M.Muniyasamy, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.P.Kannithevan, learned Additional Government Pleader, appearing for the respondents 4 and 5.

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3. The apprehension of the petitioner is that the second respondent may appoint an ineligible person on the post of Panchayat Secretary in the existing vacancy at Kallikkampatti Panchayat. The procedure for appointment to the post of Panchayat Secretary is regulated under the Tamil Nadu Panchayat Secretaries (Conditions and Service) Rules, 2013, and whenever, the post is sought to be filled, the second respondent is bound to follow the said Rules as well as any other Regulations governing such appointments and cannot deviate from the same.

4. Mere apprehension of the petitioner that the second respondent may not follow the Rules will not give rise to any cause of action to the petitioner to file the writ petition. In other words, the prayer itself is premature, since it is in anticipation that the second respondent would violate the Rules. If at all such violation is made, it would always be open to the aggrieved persons to challenge such appointments in the manner known to law. Hence, I do not find any merits in the present writ petition.

5. Accordingly, this writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

NOTE: 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,
Dindigul District.

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Dindigul District.

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Aathoor Panchayat Union,
Dindigul District.

+1 CC to AGP (SR-1613[F] dated 21/01/2021)

W.P. (MD) No.727 of 2021
20.01.2021

KM (01.02.2021) 3P 7C