



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.10891 of 2020

and

W.M.P. (MD)Nos.9568, 9570 and 5622 of 2021

WEB COPY

R.Regan

... Petitioner

versus

1.The Assistant Director of Town Panchayat,
Tirunelveli District,
Tirunelveli.

2.The Executive Officer,
Panakudi Town Panchayat,
Panakudi Post,
Radhapuram Taluk,
Tirunelveli District.

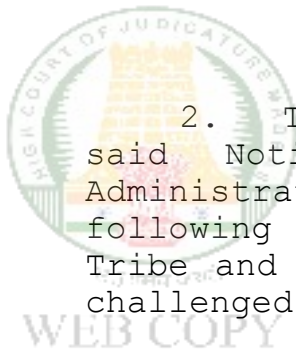
... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice vide Na.Ka.No.3783/2019/Pa4, dated 03.08.2020, from the first respondent, quash the same and direct the first respondent to publish a fresh notice by mentioning the reservation for Schedule Caste and Schedule Tribe, by mentioning their priority in appointment, which job is reserved for Schedule Caste and Schedule Tribe and in short mentioning all the reservation particulars in terms of the Government Order G.O.Ms.No.142, Personnel and Administrative Reforms (k) Department dated 14.10.2009.

For Petitioner : Mr.P.Senthurpandian
For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

This Writ Petition is filed as against the impugned Notification dated 03.08.2020, in and by which, the first respondent called for applications to fill up non-provincialized posts in fifteen Panchayats. The said Notification was published in the Daily Thanthi Newspaper on 05.08.2020 and the last date for receipt of applications from the candidates was fixed as 15.08.2020 at 3.30 p.m. The said Notification was challenged in this Writ Petition on the ground that the Notification was made without following the rule of reservation and without allotting any seat for the Schedule Caste and Schedule Tribe candidates.



2. The learned counsel for the petitioner submits that the said Notification is against G.O.(Ms)No.142, Personnel and Administrative Reforms (k) Department, dated 14.10.2009, without following the communal roster for the Schedule Caste and Schedule Tribe and without mentioning the upper age limit of the physically challenged persons.

3. This Court, while entertaining this writ petition, granted an order of interim stay of the said Notification in W.M.P.(MD) No.9570 of 2020 dated 02.09.2020.

4. The second respondent has filed counter that the Notification has been issued following the roster in respect of reservation for each category of community and in view of the interim order passed by this Court in W.M.P.(MD)No.9570 of 2020 and the mistake committed by the authorities by fixing the last date for receipt of the applications as 15.08.2020, i.e. on the Independence day, they are intending to rectify the mistake and re-notify the recruitment by cancelling the Notification dated 03.08.2020.

5. This Court paid its anxious consideration and also perused the materials placed on record.

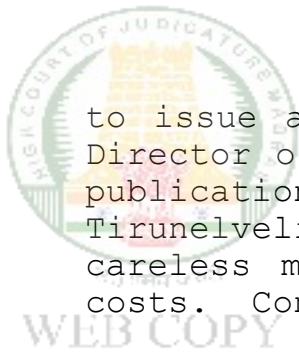
6. The Notification was issued by the first respondent on 03.08.2020 and published in Daily Thanthi and Daily Malar on 05.08.2020. In the Notification published in Daily Thanthi, the last date for submission of the application is not mentioned. However, in the Notification published in the Daily Malar, it was mentioned as 15.08.2020. The second respondent in his counter conceded that the last date for receipt of the application was wrongly mentioned as 15.08.2020, ie. on Independence Day, a Government National Holiday and therefore, they are intending to cancel the Notification dated 03.08.2020 and intending to re-notify the same.

7. The first respondent has not filed counter, though notice was ordered in the month of September 2020.

8. The Notification was made during the pandemic period and that too in such a careless manner, without even fixing the last date for receipt of applications. The second respondent in his counter admitted that the last date fixed for receipt of application was the Independence Day, a Government National Holiday and in view of the interim order passed by this Court, they are intending to cancel the said Notification and issue a fresh Notification. However, the government money was spent in such a careless manner for publishing the Notification to call for applications to fill up non-provincialized posts in the Daily Thanthi and Daily Malar.

9. In view of the specific stand taken on behalf of the second respondent, they are intending to cancel the Notification and

<https://hccs.courts.mys/govt/hccs/secret/>



to issue a fresh Notification, the Writ Petition is allowed. The Director of Town Panchayat shall recover the amount spent for paper publication from the then Assistant Director of Town Panchayat, Tirunelveli District, who issued the said Notification in such a careless manner and caused loss to the Government Exchequer. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ogy

To

- 1.The Assistant Director of Town Panchayat,
Tirunelveli District,
Tirunelveli.
- 2.The Executive Officer,
Panakudi Town Panchayat,
Panakudi Post,
Radhapuram Taluk,
Tirunelveli District.
- 3.The Director of Town Panchayat,
Tirunelveli.

+1 CC to M/s.SPL GP (SR-34597[F] dated 16/11/2021)

W.P(MD)No.10891 of 2020

15.11.2021

PK (CO)

GC(09.12.2021) 3P 5C