



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.25429 of 2019

Thamaraikannan

... Petitioner

Vs.

- 1.The Commissioner/Director of Rural Development and Panchayat Raj,
Department of Rural Development,
Fort St.George, Chennai-600 004.
- 2.The District Collector,
Virudhunagar District, Virudhunagar.
- 3.The Personal Assistant to the Collector, (Development)
Virudhunagar District, Virudhunagar.
- 4.The Assistant Director (Panchayats),
Virudhunagar District, Virudhunagar.
- 5.The Special Officer/Block Development Officer,
(Village Panchayats),
Sivakasi Panchayat Union, Virudhunagar District.
- 6.The Executive Officer,
Periyapottalpatti Village Panchayat,
Sivakasi Panchayat Union, Virudhunagar District.
- 7.Harikrishnan ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the fifth respondent herein appoint the petitioner as a Panchayat Secretary in the Periyapottalpatti Village Panchayat, Sivakasi Panchayat Union, Virudhunagar District within the stipulated period.

For Petitioner	:	Mr.M.Jothibas
For R-1 to R-6	:	Mr.P.Mahendran
		Additional Government Pleader
For R-7	:	Mr.S.Mahalakshmi

O R D E R

The seventh respondent herein was appointed to the post of Panchayat Secretary in Periyapottalpatti Village of the fifth respondent Union. Through the selection procees conducted pursuant to the notification dated 27.03.2018, the petitioner was sponsored by the Employment Exchange. Since he was not considered for selection, the present writ petition has been filed.



2.The only ground on which the petitioner claims preference to be accommodated for the said post is that the seventh respondent herein is the son of the erstwhile Panchayat President and that the petitioner possesses the better qualification of B.E(Civil), than the seventh respondent. According to the learned counsel for the petitioner, though he has possessed the decree of B.E, he is willing to serve as a Panchayat Secretary in the said village Panchayat.

3.The fifth respondent herein has filed a counter affidavit stating that after scrutiny of the application for the said post, interview came to be conducted, whereby both the petitioner and the seventh respondent as well as the other candidates had participated. The communal roster in accordance with G.O.(Ms) No.72, Rural Development and Panchayat Raj Department, dated 09.07.2013 was duly followed. Based on the marks allotted as per the performance of the candidates in the personal interview, the seventh respondent was selected for the said post. In a comparison between both the candidates, the fifth respondent was of the view that the seventh respondent was a better candidate than the petitioner herein.

4.On a perusal of the facts in the counter affidavit, this Court is of the view that the selection process has been duly conducted and that there was no infirmity or irregularity in the same. Furthermore, the petitioner has not raised any legal grounds in order to substantiate that he would be a better person to serve as a Panchayat Secretary, than the seventh respondent. The Authority to make the selection would be vested with the Appointing Authority and this Court would not normally interfere with the decision taken during such selection, but whenever there is any illegality in the decision making process, such interference would be made. Since the petitioner had not made any valid grounds to question the decision making process, I am unable to interfere with the selection which has already been made. It is also to be noted that the petitioner has not challenged the selection of the seventh respondent and that the seventh respondent is already serving as a Panchayat Secretary from 20.12.2018 onwards.

5.For all the forgoing reasons, there is no merit in the present writ petition. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar

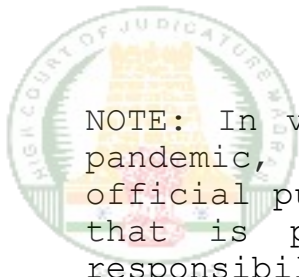
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Sub Assistant Registrar(CS)

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To

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Department of Rural Development,
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Sivakasi Panchayat Union,
Virudhunagar District.

+1 CC to M/s.GP (SR-3363[F] dated 04/02/2021)

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-2991[F] dated
03/02/2021)

W.P. (MD) No.25429 of 2019
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(PK)CO

AP(26/02/2021) 3P 9C