



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.11493 of 2017

and

W.M.P (MD)No.8851 and 14709 of 2017

WEB COPY

M.Mahalingam

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Principal Secretary,
Rural Development and Panchayat Raj Department (E1),
Secretariat, Chennai-9.

2.The Director of Rural Development and Panchayat Raj
Panagal Building, Saidapet, Chennai-15.

3.The Secretary,
Tamil Nadu Public Service Commission,
Anna Salai, Chennai-600 002.

4.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

5.The Conservator of Forest,
O/o. The Conservator of Forest,
Trichy Circle, J.K.Nagar,
Trichirappalli.

6.The Block Development Officer,
Thuraiyur Panchayat Union,
Thuraiyur, Trichy District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the 4th respondent from taking any action to terminate the service of the petitioner in pursuant to the order passed by the third respondent in his Letter No.5912/PSD-B4/2010 dated 24.02.2016 communicated to the petitioner only on 30.05.2016.

For Petitioner	: Mr.Suhail for M/s.Ajmal Associates
For RR1 & 2, 4 to 6	: Mr.D.Muruganantham Additional Government Pleader
For R3	: Mr.D.Sivaraman Standing Counsel



O R D E R

This writ petition is filed for a direction to the fourth respondent from taking any action to terminate the service of the petitioner, in pursuant to the order passed by the third respondent, in his Letter No.5912/PSD-B4/2010, dated 24.02.2016, communicated to the petitioner, on 30.05.2016.

2.The case of the petitioner is that he was initially appointed as Typist, on 20.11.2007. While he was working, the third respondent conducted the special qualifying examination, in which, he appeared and passed the same. Thereafter, the petitioner was selected and appointed to the post of Typist in the Forest Department. Though the petitioner was selected in the special qualifying examination, he was not relieved the fourth respondent office. Hence, the petitioner has made a representation dated 28.02.2012 requesting the fourth respondent to relieve him so as to join in the allotted post. Pursuant to the petitioner's representation, the time was not extended. In the meantime, the fourth respondent sent a proposal to the second respondent to give permanent appointment to the petitioner as Typist. Since the proposal sent by the fourth respondent was not responded, the petitioner was working as Typist in Rural Department and Panchayat Raj Department. While so, the third respondent sent a letter to the fourth respondent vide communication dated 24.02.2016, stating that the petitioner's name was removed from the selection list, since he did not join in the allotted post. Pursuant to which, the fourth respondent by his proceedings dated 28.03.2016 served the copy of the same to the petitioner and the same was received by him on 30.05.2016. Hence, the present writ petition is filed for the aforesaid relief.

3.The learned counsel appearing for the petitioner submitted that already the petitioner has made several representations for extension of time, however, the said representations were not considered and finally, the present order was passed by the third respondent and hence, there was an apprehension that any time, the fourth respondent may terminate the petitioner from service. Hence, he prays for allowing the present Writ Petition.

4.The learned counsel appearing for the third respondent submitted that the petitioner was selected in the special qualifying examination. Pursuant to the selection in the said examination, the petitioner was appointed as Typist in the Forest Department. But, the petitioner did not join the allotted post till 2012 and he has not taken any steps in this regard. In the absence of any other alternative steps, the order to remove the petitioner's name from the selection list, was passed.

5.The facts in the present case are not in dispute. Admittedly, in the year 2007, the petitioner was entered into service in the Rural Department and the Panchayat Raj Department. Thereafter, the



petitioner participated in the selection, wherein he was selected and appointed to the post of Typist in the Forest Department, in the year 2010. On earlier, the petitioner has made a representation to the fourth respondent seeking extension of time to join the allotted post in the year 2012. Thereafter, the petitioner has not taken any steps to join the allotted post, till 2016 and thereby, the third respondent passed an order dated 24.02.2016 removing the name of the petitioner from the selection list. Instead of challenging the impugned order, filing the present writ petition is not maintainable. The prayer sought for in the present writ petition is misconceived. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ns

To

- 1.The Principal Secretary,
Rural Development and Panchayat Raj Department(E1),
Secretariat, Chennai-9.
- 2.The Director of Rural Development and Panchayat Raj
Panagal Building, Saidapet, Chennai-15.
- 3.The Secretary,
Tamil Nadu Public Service Commission,
Anna Salai, Chennai-600 002.
- 4.The District Collector, Tiruchirappalli District,
Tiruchirappalli.
- 5.The Conservator of Forest,
O/o. The Conservator of Forest,
Trichy Circle, J.K.Nagar, Trichirappalli.
- 6.The Block Development Officer, Thuraiyur Panchayat Union,
Thuraiyur, Trichy District.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-12377[F] dated 19/03/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-12383[F] dated
19/03/2021)

+1 CC to M/s.SPL GP (SR-12499[F] dated 19/03/2021)

W.P. (MD)No.11493 of 2017

18.03.2021

SMV(CO)

TR(23.06.2021) 3P 10C