



WEB COPY



W.P.No.27315 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.27315 of 2018
and W.M.P.No.31796 of 2018

P.Sangeetha

.... Petitioner

-Vs-

1.The District Collector
Salem, District Collectorate Office
Salem District.

2.The Block Development Officer
Ayothiyapattanam, Salem District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from filling the post of Village panchayat Secretary by unqualified candidate in the reserved place of destitute widow for the Aladipatti Village Panchayat within the Block of Ayothiyapatinam Salem District and direct the respondents to appoint the petitioner as Village Panchayat Secretary for the Aladipatti Village Panchayat within the Block of Ayothiyapatinam Salem District in the reserved place of destitute widow.

For Petitioner : Mr.M.Thamizhavel

For Respondents : Mr.T.Sampath Kumar
Government Advocate



ORDER

WEB COPY The prayer sought for herein is for a Writ of Mandamus forbearing the respondents from filling the post of Village panchayat Secretary by unqualified candidate in the reserved place of destitute widow for the Aladippatti Village Panchayat within the Block of Ayothiyapatinam Salem District and direct the respondents to appoint the petitioner as Village Panchayat Secretary for the Aladipatti Village Panchayat within the Block of Ayothiyapatinam Salem District in the reserved place of destitute widow.

2. There was a post called Panchayat Secretary vacant in Aladipatti Village Panchayat within the Block of Ayothiyapatinam, Salem District. In order to fill up the post, notification was issued by the respondent Department ie., District Collector on 26.03.2018. The post comes under the General Turn Roster and it is reserved for Destitute Widow.

3. Pursuant to the notification, eligible candidates including the petitioner seems to have made applications and ultimately, according to the petitioner, interview was conducted. However, no orders have been issued to anyone including the petitioner, which according to the petitioner, is unfair because the petitioner claims that she is the only eligible candidate to hold the post because it was earmarked for destitute widow and she was the only destitute widow who had applied for that post



and therefore, the petitioner is fully eligible and qualified to hold the post and instead of selecting the petitioner to the said post since attempts have been made by the respondents to select a third party, the petitioner has approached this Court by filing this writ petition seeking a writ of mandamus forbearing the respondents from filling up the post of Village panchayat Secretary by unqualified candidate in the reserved place of destitute widow for the said village.

4. Reiterating the aforesaid, the learned counsel for the petitioner seeks the indulgence of this Court to issue a direction to the respondents not to fill up the post with any other candidate except the petitioner.

5. However, Mr.T.Sampath Kumar, learned Government Advocate appearing for the respondents, on instructions would submit that, as per the conditions which are in vogue, as far as possible the Village Panchayat Secretary would be selected and appointed from the same village for which the post is earmarked and if at all there is no suitable candidate available in the said village then the adjacent village abutting the boundary of the village concerned would be considered and if there is any suitable candidate available there, such candidate would be considered for appointment.

6. Learned Government Advocate would further point out that, insofar as the petitioner is concerned, the petitioner belongs to Periyaveeraanam village which is 55



Kms away from Aladipatti Village Panchayat, wherein the post of Village Panchayat Secretary is vacant. Moreover, the candidate appointed to the post of Village Panchayat Secretary is to look after the requirements of the Village Panchayat and therefore must belong to the same village. Hence, a person belonging to another village which is 55 kms away from the village where the post is earmarked may not be suitable and appointing such person would go away from the norms prescribed in this regard. Therefore, the candidature of the petitioner cannot be considered and in this regard the learned Government Advocate further submits that, if no suitable candidates are available who have been interviewed already, the respondents are willing to go for a fresh notification, where applications would be invited from same village or neighbouring villages and among them, after adopting the procedures which are in vogue, suitable candidate would be selected and appointed.

7. I have considered the submissions made by the learned counsel for both sides and have perused the materials placed on record.

8. Insofar as the petitioner's candidature is concerned, she may be a destitute widow and because of that qualification or priority alone, she cannot be considered for appointment to the post of Village Panchayat Secretary in Aladipatti Village Panchayat, as admittedly the petitioner belongs to Periyaveeraanam Village, which is 55 Kms away from Aladipatti Village Panchayat. Therefore, the persons belongs to such far off place cannot be selected and appointed as Village Panchayat Secretary.



W.P.No.27315 of 2018

WEB COPY

9. If no other suitable candidate is available as of now from among the persons who have already been interviewed by the respondents, there is no other option except to go for a fresh notification for the selection and appointment for the said post of Village Panchayat Secretary of Aladipatti Village Panchayat. Therefore, the prayer seeking prohibitory order forbearing the respondents from appointing any person may not be justifiable at this juncture. Moreover, since the respondents themselves have come forward to go for a fresh notification, such a prayer also now becomes otiose.

10. Therefore finding no merits, this Court is inclined to dismiss this writ petition. No costs. Consequently connected miscellaneous petition is also dismissed. As a sequel, there shall be a direction to the respondents to proceed with a fresh notification and after issuing such notification, by adopting proper procedures in vogue and to fill up the post of Village Panchayat Secretary at the Aladipatti Village Panchayat at the earliest.

03.08.2022

Index : Yes/No
Internet : Yes/No
KST



WEB COPY

To

- 1.The District Collector
Salem, District Collectorate Office
Salem District.
- 2.The Block Development Officer
Ayothiyapattanam, Salem District.



W.P.No.27315 of 2018

R. SURESH KUMAR, J.

KST

W.P.No. 27315 of 2018

03.08.2022