



W.P.(MD)No.2449 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2449 of 2020
and
W.M.P(MD)No.2092 of 2020

S.Sathya

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Block Development Officer/Special Officer,
Village Panchayat,
Kadaladi Taluk,
Ramanathapuram District.

3.Mr.Jothimurugapal,
Panchayat Secretary,
Kannirajapuram Village,
Kadaladi Taluk,
Ramanathapuram District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the appointment of the respondent No.3 is illegal as a Panchayat Secretary in Knnirajapuram



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Village, Kadaladi Taluk, Ramanathapuram District and consequently direct the respondent Nos.1 and 2 to appoint the petitioner as a Panchayat Secretary, Kannirajapuram Villge, Kadaladi Taluk, Ramanathapuram District with consequential benefits within the time stipulated by this Court.

For Petitioner	: Mr.T.Thirumurugan
For R1 & R2	: Mr.S.P.Maharajan, Special Government Pleader

ORDER

This writ petition has been filed to declare the appointment of the third respondent as a Panchayat Secretary in Kannirajapuram Village, Kadaladi Taluk, Ramanathapuram Distric is illegal and consequently, direct the respondents 1 and 2, to appoint the petitioner as a Panchayat Secretary, Kannirajapuram Villge, Kadaladi Taluk, Ramanathapuram District with consequential benefits within a stipulated time.

2. The case of the petitioner is that she is a degree holder and he is a physically challenged person. There was a vacancy in Panchayat Secretary Post in Kannirajapuram Village. Hence, the petitioner made a representation before the first respondent requesting to appoint her as a



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Panchayat Secretary. While so, the second respondent issued an advertisement for filling up the post of Panchayat Secretary with regard to P.Keeranthai and Sokkanai villages, but the name of the petitioner's village was not included. Subsequently, all of a sudden, without issuing any advertisement calling for applications, the third respondent was appointed as a Secretary. Hence, the petitioner made a representation to the first respondent to cancel the appointment of the third respondent. But, till date no order was passed. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that without any advertisement being made by way of paper publication, the appointment made by the second respondent appointing the third respondent as Panchayat Secretary of Kannirajapuram Village, is unsustainable and accordingly, prayed for appropriate orders.

4. Per contra, the learned Special Government Pleader appearing for the respondents 1 and 2, would submit that as the post of Panchayat



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Secretary in Kannirajapuram Village was vacant for a long time, the said post is filled up by way of transfer of the third respondent from Senchidainathapuram village and it is purely a transfer order and accordingly, prayed for dismissal of the writ petition.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2 and perused the materials available on record.

6. The facts of the case are not in dispute. The petitioner claims that the third respondent was appointed as Panchayat Secretary of Kannirajapuram Village. However, it is seen that it is only a transfer order and the third respondent was transferred from Senchidainathapuram village to Kannirajapuram village vide proceedings of the second respondent in Na.Ka.B5/1700/2018, dated 21.10.2019. In view of the same, the prayer sought for by the petitioner cannot be granted.



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7. Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.12.2022

pm

To

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Ramanathapuram.
- 2.The Block Development Officer/Special Officer,
Village Panchayat,
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M.DHANDAPANI,J.

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