



W.P.(MD)No.3014 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3014 of 2020

and

W.M.P(MD)Nos.2549 & 2550 of 2020

Arulthuyamani Johnbosco

... Petitioner

Vs.

1.The District Collector
Sivagangai,
Sivagangai District.

2.The Personal Assistant to District Collector,
Collectorate Office,
Sivagangai,
Sivagangai District.

3.The Special Officer/the Block Development Officer,
Village Panchayat,
Kalayarkovil,
Sivagangai,
Sivagangai District.

4.M.Chandrakanth

... Respondents



W.P.(MD)No.3014 of 2020

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order or appointment of the fourth respondent issued by the third respondent in his proceedings in P3/855/2018, dated 06.11.2019 and quash the same as illegal and consequently to direct the third respondent to appoint the petitioner as Panchayat Secretary taking into account of his qualification and seniority.

For Petitioner : M/s.N.Sumitha

For Respondents : Mr.S.P.Maharajan - for R1 to R3
Special Government Pleader

: No Appearance - R4

ORDER

This Writ Petition has been filed to quash the impugned order or appointment of the fourth respondent issued by the third respondent in his proceedings in P3/855/2018, dated 06.11.2019 and consequently to direct the third respondent to appoint the petitioner as Panchayat Secretary taking into account of his qualification and seniority.



W.P.(MD)No.3014 of 2020

WEB COPY

2. The learned counsel for the petitioner would submit that the petitioner belongs to Backward class community and he had completed SSLC in the year 1999 and High Secondary Course in the year 2001 and the same has been registered in the District Employment Office, Sivagangai. Whiles, the first respondent published a notification, dated 16.04.2018, inviting application from the eligible candidates to the post of Panchayat Secretary in various Panchayats. The petitioner made an application for Sooranam Village Panchayat and the petitioner appeared for the interview scheduled to be held on 21.02.2019 at 11.00 a.m. After concluding, the petitioner name was not selected, whereas, the fourth respondent name was selected. Challenging the selection of the fourth respondent, the present writ petition is filed.

3. The learned counsel for the petitioner would submit that the petitioner is a decree holder and belongs to Backward class community, whereas, the fourth respondent is also a Backward class community and he was selected without any qualification and



W.P.(MD)No.3014 of 2020

WEB COPY

accordingly, the selection process undertaken by the respondent is arbitrary. Hence he prayed for allowing the writ petition.

4. Per contra, learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the notification was issued on 21.03.2018 inviting application for the post of Village Assistant and there are 34 Panchayat Secretary posts fell vacant in Sivagangai District. To fill up those vacancies, notification was issued on 13.04.2018, by the District Collector, Sivagangai by initiating appointment of Panchayat Secretaries in Sivagangai District. In respect of Sooranam Village, 12 candidates have participated including the petitioner, his brother and the fourth respondent. The petitioner secured 16 marks and his brother secured 19 marks, whereas, the fourth respondent secured 21 marks and the fourth respondent secured higher marks than the petitioner and his brother and hence, he was selected. Hence, the selection process was conducted in terms of the Government Order and no malafide as against the petitioner for non-selection and earlier, the petitioner's brother who secured 19 marks filed a writ petition before this Court challenging the



W.P.(MD)No.3014 of 2020

WEB COPY

very same selection process in W.P.(MD) No.22627 of 2019. This Court by its order, dated 24.10.2019 dismissed the writ petition and held that positive direction cannot be issued for appointment, since it involves selection process established by law. Accordingly, he prayed for dismissal of this writ petition.

5. Heard, the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3.

6. The facts in the present case are not in dispute. The petitioner and other 11 candidates have participated in the selection process of Village Panchayat Secretary in Sooranam Village, however, the petitioner was not selected on the ground that the petitioner scored only 16 marks, whereas, the fourth respondent scored 21 marks. It is also an undisputed fact that the petitioner's brother also participated in the selection process secured only 19 marks. He challenged the selection process before this Court in W.P.(MD) No.22627 of 2019 and the said



W.P.(MD)No.3014 of 2020

writ petition was dismissed on 24.10.2019. Hence, the similar writ petition already dismissed by this Court and further petitioner had secured only a lesser marks than the fourth respondent. Therefore, the impugned order cannot be interfered with.

7. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

08.12.2022

Index :Yes/No
Internet : Yes / No
RM



W.P.(MD)No.3014 of 2020

To
WEB COPY

- 1.The District Collector
Sivagangai,
Sivagangai District.
- 2.The Personal Assistant to District Collector,
Collectorate Office,
Sivagangai,
Sivagangai District.
- 3.The Special Officer/the Block Development Officer,
Village Panchayat,
Kalayarkovil,
Sivagangai,
Sivagangai District.



WEB COPY



W.P.(MD)No.3014 of 2020

M.DHANDAPANI,J.

RM

W.P.(MD)No.3014 of 2020

08.12.2022