



WP(MD)No.13663 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.06.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.13663 of 2022

and

W.M.P(MD)No.9714 of 2022

L.Sunilkumar

... Petitioner

/vs./

1.The District Collector,
Collectorate,
Kanyakumari District,
Nagercoil.

2.The Personal Assistant to District Collector (Development),
Collectorate,
Kanyakumari District,
Nagercoil.

3.The Block Development Officer (Village Panchayats),
Munchirai Panchayat Union,
Puthukadai Post,
Kanyakumari District.

4.The President,
S.T.Mangadu Village Panchayat,
Munchirai Panchayat Union,
S.T.Mangadu Post,
Kanyakumari District.

... Respondents



WP(MD)No.13663 of 2022

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the first respondent in Na.Ka.No.Va3/31613/2021, dated 04.03.2022 and quash the same and consequently direct the respondents to absorb the petitioner as Village Panchayat Secretary in the existing vacancy held in S.T.Mangadu Village Panchayat, Munchirai Panchayat Union, Kanyakumari District with all attendant and monetary benefits.

For Petitioner : Mr.M.Saravanakumar
For R-1 & R-2 : Mrs.D.Farjana Ghoushia
Special Government Pleader
For R-3 & R-4 : Mr.C.Satheesh
Government Advocate

ORDER

On the ground that the post of Village Panchayat Secretary is lying vacant for quite some time, the petitioner herein claims for appointment to the said post. The first respondent herein had rejected the petitioner's request, stating that when the selection process is regularly conducted, the petitioner can participate in the same and therefore, preferential appointment cannot be made.



WP(MD)No.13663 of 2022

WEB COPY

2. I do not find any infirmity in the reasoning adopted by the first respondent herein. As a matter of fact, the only way, which an appointment can be made, is through regular selection process in accordance with the law. However, when such selection process commences, the petitioner is at liberty to participate in the selection process, if he is otherwise qualified.

3. With the above said liberty, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

30.06.2022

Index : Yes / No
Internet : Yes / No
btr/TM

To

1.The District Collector,
Collectorate,
Kanyakumari District,
Nagercoil.

2.The Personal Assistant to District Collector (Development),
Collectorate,
Kanyakumari District,
Nagercoil.



WEB COPY



WP(MD)No.13663 of 2022

M.S.RAMESH, J.

btr/TM

3.The Block Development Officer (Village Panchayats),
Munchirai Panchayat Union,
Puthukadai Post,
Kanyakumari District.

4.The President,
S.T.Mangadu Village Panchayat,
Munchirai Panchayat Union,
S.T.Mangadu Post,
Kanyakumari District.

Order made in
W.P.(MD)No.13663 of 2022

Dated:
30.06.2022