



W.P.No.20782 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.20782 of 2015
and M.P.Nos.2, 3 of 2015
and W.M.P.No.18938 of 2016

S.Manikandan alais Selvakumar

... Petitioner

-Vs-

1. The District Collector,
(Panchayat Development),
Villupuram.

2. The Block Development Officer,
Panchayat Union,
Vanoor @ Thiruchitrambalam,
Villupuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, call for records relating to the order in Memorandum Na.Ka.P.A6/680/2015 dated 11.05.2015 passed by the first respondent herein and quash the same and further direct the respondents to appoint the petitioner as Watchman in the second respondent's Panchayat Union.



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For Petitioner

: Mr.K.M.Ramesh, Senior Counsel
for Mr.S.Apunu

For Respondents

R1

: Mr.M.P.Murugan Raja,
Government Advocate

R2

: Mr.S.Gunasekaran

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent herein in Memorandum Na.Ka.P.A6/680/2015 dated 11.05.2015, thereby rejected the recommendation made by the selection committee.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

3. The second respondent called for candidates for interview for the post of watchman through newspapers and also from employment exchange. Therefore, 13 candidates applied for the said post and 5 candidates were sponsored by the District Employment Office. The petitioner attended the interview and the selection committee selected the petitioner on merits and forwarded the same to the first respondent for approval. However, the first respondent by an order dated 11.05.2015 rejected the resolution sent by the selection committee and directed the selection committee to follow the



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Government Order and Government Rules for the selection to the post of Night

Watchman for the reason that a woman candidate was not considered, since she is not eligible to the post of Night Watchman.

4. The learned counsel for the petitioner would submit that the selection committee has got power to select the candidate on merits. The petitioner was selected by the selection committee and as such the first respondent has no power to reject the same.

5. A perusal of records revealed that a candidate even though a woman who fulfills all criteria as per communal rotation cannot be rejected only for the reason that she is a women, citing an example of appointment of a woman as Night Watchman vide the G.O.Ms.No.50 Rural Development and Panchayat Raj Department dated 08.04.2010. The first respondent is the competent authority to accord concurrence for the appointments made by the Appointment Committee of the Panchayat Union vide G.O.(Ms).114, Rural Development and Panchayat Raj [E5] Dept, dated 06.05.2000. Therefore, the first respondent will scrutinize the selection of the candidate for adherence of all relevant rule, pertaining to appointment and issue concurrence orders for appointment of the individual, if it is found to be correct as per procedures laid down in the



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Government Orders.

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6. However, the selection committee had not followed the Government Order and Rules and selected the petitioner to the post of Night Watchman. Therefore, the first respondent rightly rejected the resolution passed by the Selection Committee and this Court finds no infirmity or illegality in the order passed by the first respondent and this writ petition is devoid of merits and is liable to be dismissed.

5. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

11.07.2023

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
mn



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G.K.ILANTHIRAIYAN, J.

mn

To

1. The District Collector,
(Panchayat Development),
Villupuram.
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Vanoor @ Thiruchitrambalam,
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