



W.P.No.19529 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.19529 of 2021
and W.M.P.Nos.20940 & 20941 of 2021

B.Vinoth

... Petitioner

Vs.

1.The District Collector,
Thiruthuraipoondi Taluk,
Thiruvarur 614706.

2.The Block Development Officer,
Udhaya Marthandapuram Post,
Thiruthuraipoondi Taluk,
Thiruvarur 614706.

3.The President
Muthupettai Panchayat Union,
Udhayamarthandapuram Post,
Thiruthuraipoondi Taluk,
Thiruvarur 614706.

4.Praveena

... Respondents

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 of the proceedings of the third respondent in Na.Ka.No.01/2021/o.(oo) dated 23.06.2021 appointing the fourth respondent for the post of Village



W.P.No.19529 of 2021

Panchayat Secretary and quash the same and consequently direct the third respondent to appoint the petitioner for the post of Village Panchayat Secretary as per law.

For Petitioner : Mr.K.Thenrajan

For Respondents : Mr.T.Arunkumar, Addl. Govt. Pleader for R1
Mr.K.M.D.Muhilan for R2 & R3
Mr.Arivazhagan for R4

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to call for the records of the proceedings of the third respondent in Na.Ka.No.01/2021/o.(oo) dated 23.06.2021 appointing the fourth respondent for the post of Village Panchayat Secretary and quash the same and consequently direct the third respondent to appoint the petitioner for the post of Village Panchayat Secretary as per law.

2. Heard Mr.K.Thenrajan, learned counsel for the petitioner, Mr.T.Arunkumar, learned Additional Government Pleader for R1, Mr.K.M.D.Muhilan, learned counsel for R2 & R3 and Mr.Arivazhagan learned counsel for R4.



W.P.No.19529 of 2021

3. The learned counsel for the petitioner submitted that the fourth respondent's father is working in the same Panchayat and because of the influence exercised by him, the fourth respondent got appointed in the post of Village Panchayat Secretary.

4. The learned Additional Government Pleader for the first respondent submitted that the notification is an open notification. If any applicant has got an employment registration seniority, he has to produce necessary materials and that does not mean that all those who applied should be sponsored only through Employment Exchange.

5. It is seen that out of total 59 candidates who applied for the post, one has to be selected. Just because the petitioner and others passed the eligibility criteria, that will not ensure them an appointment. Though the minimum qualification may be SSLC pass, the higher qualification can also play an edge in the selection, provided the candidate is found to be more suitable for the post. The petitioner cannot make sweeping allegations that the father of the fourth respondent had exercised any influence on his own presumption. No valid material is placed before this



W.P.No.19529 of 2021

Court to show that the appointment has been made in an illegal or arbitrary manner. In the selection process, the petitioner and the fourth respondent have participated in the interview. Since it is the appointing authority who has to be satisfied with the performance and merit of the candidates, the same cannot be questioned by this Court unless there is any glaring illegality apparent on the face of it.

6. With the above observations, this Writ Petition is dismissed.

Consequently, connected miscellaneous petitions are closed. No costs.

21.11.2023

Index : Yes

Internet : Yes/No

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W.P.No.19529 of 2021

To
WEB COPY

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W.P.No.19529 of 2021

R.N.MANJULA, J.

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