



WEB COPY



W.P.No.17594 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.17594 of 2020

and

WMP.No.21813 of 2020

A.Mohammed Ibrahim

...Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by Principal Secretary,
Backward Classes, Most Backward Classes and
Minorities Welfare (S1) Department,
Fort St. George, Chennai.
2. The District Collector of Kallakurichi,
Office of the District Collector,
Kallakurichi.
3. A.Akbar Ali

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records of the 1st respondent dated 15/9/2020 and made in G.O.(D).No.67 and quash the same and consequently direct the 1st respondent to appoint the petitioner as Kallakurichi District Kazi.



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For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mr.V.Manoharan, AGP, for R1 & R2
: Mr.T.R.Udayakumar, for R3

ORDER

This Writ petition has been filed seeking quashment of the order of the 1st respondent dated 15.09.2020 made in G.O.(D).No.67 and for a consequential direction to the 1st respondent to appoint the petitioner as Kallakurichi District Kazi.

2. The case of the petitioner is that, the 1st respondent, vide letter dated 30.04.2020 bearing D.O. Letter No.1402/S/2020, directed the 2nd respondent to constitute the District Level Selection Committee and send a proposal with a panel of names not less than three to the Government for appointment as District Kazi for the Kallakurichi District, as per the Government order in G.O.Ms.No.30, Backward Classes, Most Backward Classes and Minorities Welfare Department dated 05.07.2002. Pursuant to which, the 2nd respondent selected a panel of three names and forwarded the same to the 1st respondent, vide proceedings dated 05.06.2020.



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Subsequently, the 1st respondent, vide G.O.(D).No.67 dated 15.09.2020, appointed the 3rd respondent as the Kazi for Kallakurichi District for a period of three years. Challenging the same, the petitioner has come up with this Writ petition.

3. Learned counsel for the petitioner submitted that even as per the Section 2 of the Kazis Act, 1880, the resident of the local area has to be appointed as Kazi. While so, the 3rd respondent who is the resident of the Ulundurpet, Villupuram District and who does not possess all the requisite qualification was appointed as Kazi of Kallakurichi District, instead of appointing the petitioner, who is the resident of Kallakurichi District as Kazi, since, the petitioner is the fit person to be appointed as Kazi, as he possess all requisite qualifications. Therefore, the appointment of the 3rd respondent as Kazi is wholly contrary to Section 2 of the Kazis Act, 1880. However, he fairly submitted that, the 3rd respondent is appointed as Kazi for a period of three years and the same is going to get over by September 2023, hence, it would suffice, if this Court issues direction to the official respondents to appoint the next Kazi of Kallakurichi District only as per Section 2 of the Kazis Act, 1880.



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4. On the above said contentions, heard learned counsel appearing for the respective respondents and perused the materials available on record.

5. In view of the fair submission made by the learned counsel for the petitioner, this Court without interfering with the impugned order of the 1st respondent dated 15.09.2020, grants liberty to the petitioner to participate in the next appointment process of Kazi in Kalakurichi District. Further, the 1st respondent is directed to appoint the future Kazi strictly in terms of the Section 2 of the Kazis Act, 1880.

6. Accordingly, this Writ Petition stands disposed of with the aforesaid direction. No costs. Consequently, connected Miscellaneous petition is closed.

22.06.2023

skt

NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No

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