



W.P(MD)No.2646 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:23.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.2646 of 2023
and
W.M.P(MD)Nos.2416 and 2417 of 2023

K.Thirusenthilnathan

... Petitioner

Vs.

1.The Secretary to the Government,
Department of Revenue,
Secretariat,
Chennai – 600 009.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The District Employment Officer,
Ramanathapuram District,
Ramanathapuram.

4.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

5.Aravindakumar

... Respondents



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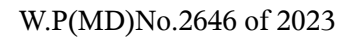
PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Na.Ka.P1/10506/2022, dated 14.01.2023 passed by the fourth respondent and quash the same as illegal and consequently, direct the fourth respondent to appoint the petitioner as Village Assistant at Thoravalur Village, Ramanathapuram Taluk and District based on his application, dated 21.10.2022.

For Petitioner :Mr.T.Veerakumar
For Respondents :Mrs.K.Christy Theboral,
Additional Government Pleader

ORDER

This writ petition has been filed to quash the impugned order in Na.Ka.P1/10506/2022, dated 14.01.2023, passed by the fourth respondent as illegal and consequently, direct the fourth respondent to appoint the petitioner as Village Assistant at Thoravalur Village, Ramanathapuram Taluk and District based on his application, dated 21.10.2022.

2. The case of the petitioner is that he completed B.Lit., (Tamil) in the year 2010 and the same was duly registered before the



3. The learned counsel appearing for the petitioner would submit that though the petitioner participated in the written examination, the result of the same was not published. Further, without publishing the result of the written examination and without conducting interview as per the bye-laws, the fifth respondent was appointed as Village Panchayat Secretary for Thoravalur Village, which is *per se* illegal. The learned



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counsel for the petitioner would further submit that the petitioner is a First Graduate and having inter-caste marriage certificate and the petitioner is a suitable person than the fifth respondent and therefore, the impugned order is liable to be set aside.

4. Per contra, the learned Additional Government Pleader appearing for the respondents would submit that admittedly, all the correspondence were sent through on-line only. Earlier, the petitioner received an intimation through on-line and he appeared for the examination and again, a call letter was sent to him through on-line and SMS alert was also sent to his mobile number. However, the petitioner did not download the call letter and not attended the interview. Among the persons, who participated in the interview, the eligible person was selected. Accordingly, the fifth respondent was issued with the appointment order. However, the petitioner not even attended the interview and therefore, he cannot question the appointment of the fifth respondent.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the official respondents.



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6. Though the petitioner claimed that he participated in the selection process and attended the written examination, however, he was not selected and issued with a call letter, the fact remains that, necessary documents were produced to show that intimation was given to the registered mobile number and call letter was sent through on-line. Further, the petitioner did not question the qualification of the fifth respondent, he only questioned the procedure adopted by the respondents, in which, he claimed that no call letter was sent to him, which is a disputed question, which cannot be decided under Article 226 of the Constitution of India and further without appearing for the interview, questioning the appointment of the fifth respondent, is not sustainable and hence, the writ petition deserves to be dismissed.

7. In the result, this writ petition is dismissed. No Costs.
Consequently, connected miscellaneous petitions are closed.

23.02.2023

NCC:Yes/No
Index: Yes/No
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M.DHANDAPANI, J.

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