WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:**19.01.2023**

CORAM:

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

W.P.(MD)No.5313 of 2020
W.M.P(MD).No.4615 of 2020

M.Sivagurunathan ... Petitioner

Vs.

1.The District Collector and
Inspector of Panchayat,
Sivagangai District,
Sivagangai.

2.The Assistant Director of Panchayat,
Sivagangai District,
Sivagangai.

3.The Block Development Officer (Village Panchayat),
Manamadurai Panchayat Union,
Manamadurai, Sivagangai District.

4.The Director,
The Directorate of Vigilance and Anti Corruption,
Vigilance and Anti Corruption,
No.293, M.K.N.Road, Alandur,
Chennai-600 016.

5.A.Mariammal ... Respondents

https://www.mhc.tn.gov.in/judis

WEB COPY

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned appointment order in Na.Ka.No.Pe4/583/2018 dated 06.11.2019 on the file of the third respondent and quash the same and consequently direct the respondents 1 to 3 to conduct a fresh interview for the post of Secretary Vilathur Village Panchayat, Manamadurai Panchayat Union, Sivagangai District.

For Petitioner : Mr.M.Kubendran
For Respondents : Ms.K.Christy Theboral
Additional Government Pleader
for R1 to R4
No-appearance for R5

O R D E R

This writ petition has been filed to call for the records relating to the impugned appointment order in Na.Ka.No.Pe4/583/2018 dated 06.11.2019 passed by the third respondent, quash the same and consequently, direct the respondents 1 to 3 to conduct a fresh interview for the post of Secretary, in Vilathur Village Panchayat, Manamadurai Panchayat Union, Sivagangai District.

https://www.mhc.tn.gov.in/judis

WEB COPY

2. The case of the petitioner is that the petitioner has participated in the selection process to the post of Secretary, in Vilathur Village Panchayat, Manamadurai Panchayat Union, Sivagangai District. He was called for personal interview on 21.02.2019 vide letter, dated 15.02.2019 and he has also attended the interview. But the third respondent, without following the Rules and Regulations of Government Orders, has appointed the fifth respondent, vide the impugned order, dated 06.11.2019. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner's candidature was rejected on the sole ground that the petitioner is aged about 19 years, whereas the fifth respondent is aged about 27 years, which is not sustainable. Further, the educational qualification of the petitioner and the fifth respondent is one and the same and hence, interference is warranted.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4.

5. In order to ascertain the eligibility and the fairness of the interview, this Court called for the records relating to the recruitment process. A perusal of the records reveals that the fifth respondent has secured 11 marks, whereas, the petitioner has secured only 9 marks. Based on the marks secured, the third respondent has selected the fifth respondent. Therefore, there is no illegality in the appointment of the fifth respondent. Further, the appointment was made in terms of G.O. (Ms).No.72, Rural Development and Panchayat Raj (E5) Department, dated 09.07.2013.

6. One more aspect which is to be seen is the age. The petitioner is aged 19 and the required age limit is 18 years. However, the private respondent is aged about 27 years and further both of them acquired the very same qualification. Considering the age seniority and the perusal of

https://www.mhc.tn.gov.in/judis

WEB COPY

the G.O. reveals that appointment of the the 5th respondent is not termed to be illegal.

7. For these reasons, there is no infirmity or illegality in the order passed by the third respondent and hence, no interference is warranted. Accordingly, this Writ Petition is dismissed. No costs. Connected miscellaneous petition is also closed.

19.01.2023

ssb/RR

NCC:Yes/No
Index:Yes/No
Internet:Yes/No

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1.The District Collector and
Inspector of Panchayat,
Sivagangai District,
Sivagangai.

2.The Assistant Director of Panchayat,
Sivagangai District,
Sivagangai.

3.The Block Development Officer (Village Panchayat),
Manamadurai Panchayat Union,
Manamadurai, Sivagangai District.

4.The Director,
The Directorate of Vigilance and Anti Corruption,
Vigilance and Anti Corruption,
No.293, M.K.N.Road, Alandur,
Chennai-600 016.

https://www.mhc.tn.gov.in/judis

WEB COPY

M.DHANDAPANI,J.

ssb/RR

W.P.(MD)No.5313 of 2020

19.01.2023

https://www.mhc.tn.gov.in/judis