



WEB COPY



W.P.(MD)No.449 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.449 of 2019
and
W.M.P.(MD)No.395 of 2019

M.Rajasubaashini

... Petitioner

vs.

- 1.The District Collector,
Thanjavur.
- 2.The Personal Assistant (Development)
to the District Collector,
Thanjavur.
- 3.The Assistant Director (Panchayat),
Thanjavur.
- 4.The Block Development Officer (Village Panchayat),
Office of the Panchayat Union,
Peravurani Post, Thanjavur District.



WEB COPY



W.P.(MD)No.449 of 2019

5.The Special Officer,
Madathikkadu Village Panchayat,
Thiruchitrampalam Post,
Pattukkottai Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 4th respondent, dated 27.07.2018 and to quash the same as illegal and arbitrary and in consequence thereof to direct the respondents to declare the candidature of the petitioner as eligible for the post of Panchayat Secretary at the office of the 5th respondent.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.R.Suresh Kumar
Additional Government Pleader



WEB COPY



W.P.(MD)No.449 of 2019

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to call for the records of the 4th respondent, dated 27.07.2018 and to quash the same as illegal and arbitrary and in consequence thereof to direct the respondents to declare the candidature of the petitioner as eligible for the post of Panchayat Secretary at the office of the 5th respondent.

2. The petitioner has challenged the selection list. The respondents have conducted the selection process wherein 12 persons have participated in the selection process. The respondents have followed the reservation rules and the said post is allotted to general turn. After considering the merit and ability, the respondents have selected one Sathish Kumar and issued an appointment order and he is working from



W.P.(MD)No.449 of 2019

WEB COPY

2018 onwards. The petitioner has challenged the selection list, dated 27.07.2018. The respondents have not selected the petitioner, since she is over aged.

3. The contention of the petitioner is that as on the date of notification, the petitioner has not completed 35 years and 2 more months was still left. The respondents have not considered the same. It is seen from the records that the respondents have not fixed any cut of date while issuing the notification and has not stated that “as on date”, the candidate should not have crossed 35 years of age. Therefore, the petitioner was under the impression that the petitioner would be considered.

4. Therefore, this Court is of the considered opinion that if the petitioner's contention is accepted, then the petitioner should be



W.P.(MD)No.449 of 2019

WEB COPY

considered along with the selected candidate, namely, Sathish Kumar. But the employer has every right to select a person, if two candidates are available with the same qualification. Therefore, at this juncture of time, the said Sathish Kumar cannot be disturbed. Therefore, the petitioner's contention cannot be accepted. Hence, the writ petition is dismissed. No costs.

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

23.06.2023

Tmg



WEB COPY



W.P.(MD)No.449 of 2019

To

- 1.The District Collector,
Thanjavur.
- 2.The Personal Assistant (Development)
to the District Collector,
Thanjavur.
- 3.The Assistant Director (Panchayat),
Thanjavur.
- 4.The Block Development Officer (Village Panchayat),
Office of the Panchayat Union,
Peravurani Post, Thanjavur District.
- 5.The Special Officer,
Madathikkadu Village Panchayat,
Thiruchitrampalam Post,
Pattukkottai Taluk,
Thanjavur District.



WEB COPY



W.P.(MD)No.449 of 2019

S.SRIMATHY, J

Tmg

W.P.(MD)No.449 of 2019

23.06.2023