



W.P(MD)No.16249 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16249 of 2020

and

W.M.P(MD)Nos.13580 & 13581 of 2020

Revathi

... Petitioner

Vs

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Block Development Officer (Village Panchayaths)
-cum-Special Officer (Mupaiyur Panchayath),
Block Development Office,
Devakottai Block,
Sivagangai District.
- 3.The Block Development Officer (Block Panchayaths),
Block Development Office,
Devakottai Block,
Sivagangai District.
- 4.The Deputy Block Development Officer,
Block Development Office,
Devakottai Block,
Sivagangai District.



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5.Alagarsamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the second respondent in Na.Ka.B4/983/2018 dated 07.11.2019 and to quash the same and consequently direct the first respondent to appoint the petitioner in the post of Panchayat Assistant in Mupaiyur Village or any other Panchayath based the petitioner's representation dated 11.11.2019.

For Petitioner : Mr.S.Balakarthick

For Respondents : Mr.G.Suriyananth
Additional Government Pleader
for R.1 to R.4

Mr.T.Veerakumar for R.5

ORDER

Heard the learned counsel on either side.

2.The petitioner questions the appointment of the fifth respondent as Panchayat Secretary. The learned counsel appearing for the petitioner took me through all the averments and contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the appointment of the fifth respondent and allow the writ petition. The petitioner's claim that her employment exchange seniority is higher cannot



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have any merit. This is because it was laid down long ago that candidates can be recruited even from open market. Therefore, the fact that the employment seniority of the fifth respondent is below that of the petitioner is of no consequence.

3.The other contention is that the basis on which the marks were awarded during interview has not been disclosed. I called upon the learned Additional Government Pleader to produce the relevant records. It is seen that the interview board took into account the parameters such as age, educational qualification and performance during interview. The fifth respondent was awarded 35 marks while the petitioner was awarded 32 marks. Only if both the candidates have secured the same mark, one who is elder will have to be given preference. Therefore, the fact that the petitioner is elder to the fifth respondent is again of no consequence. Looked at from any angle, no ground has been made out for interference. This writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

09.03.2023

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



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G.R.SWAMINATHAN, J.

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