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W.P.(MD)No.20767 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.20767 of 2021
and
W.M.P.(MD)No.17385 of 2021

M.Mallika

... Petitioner

vs.

1.The District Collector/
Inspector of Panchayat,
Ramanathapuram District,
Ramanathapuram.

2.The Personal Assistant to Collector,
(Development),
Ramanathapuram District,
Ramanapuram.

3.The Block Development Officer
(Village Panchayat),
Kamuthi Panchayat Union,
Kamuthi,
Ramanathapuram District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to forbear the 3rd respondent from appointing new temporary Panchayat Secretary in Sadayanenthall Village Panchayat, Kamuthi Panchayat Union, Kamuthi, Ramanathapuram District.

For Petitioner : Mr.Raja Karthikeyan
For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

This writ petition is filed for writ of Mandamus, to forbear the 3rd respondent from appointing new temporary Panchayat Secretary in Sadayanenthall Village Panchayat, Kamuthi Panchayat Union, Kamuthi, Ramanathapuram District.



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2. The petitioner is the President of the said Panchayat. Since the earlier incumbent Panchayat Secretary died, the petitioner has appointed one Raja in the said vacancy. The petitioner has not followed any recruitment process. In fact, in the affidavit itself it has been stated that the said Raja was appointed temporarily.

3. The learned Additional Advocate General appearing for the respondents submitted that the Government is taking steps to issue fresh Rules within a period of one month.

4. Therefore, this Court is of the considered opinion that the said Raja shall continue as a temporary employee in the said post. Once the Government has issued fresh Rules, the Panchayat is directed to follow the recruitment procedure and select a meritorious candidate and appoint the candidate in the said post. Until then, the said Raja shall continue in



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the said post as a temporary employee. The said Raja is at liberty to participate in the recruitment process as well. If he is the meritorious candidate, the respondents shall appoint the said Raja itself in the said post. However, based on the temporary service the said Raja shall not claim any preference or equity.

5. With the above said observation, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

23.06.2023

Internet : Yes

NCC : Yes / No

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S.SRIMATHY, J

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