



W.P.(MD).No.990 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.990 of 2015

and

M.P.(MD).No.1 of 2015

M.Pandiammal,
Panchayat President,
Rengapanayakanpatti Panchayat,
Batlagundu Panchayat Union,
Dindigul District.

... Petitioner

Vs.

1.The District Collector,
Dindigul,
Dindigul District.

2.The Personal Assistant to District Collector,
Collectorate Office,
Dindigul,
Dindigul District.

3.The Block Development Officer,
Village Panchayat,
Panchayat Union,
Batlagundu,
Dindigul District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.283/2015/உள்.வ.9 dated 19.01.2015 and quash the same as illegal.

For Petitioner : Mr.Mohamed Suhail,
For M/s.Ajmal Associates.

For Respondents : Mr.Veera Kathiravan,
Additional Advocate General,
Assisted by,
Mr.R.Suresh Kumar,
Additional Government Pleader.

ORDER

This Writ Petition is filed challenging the order dated 19.01.2015.

2. This Petition is filed by the Panchayat President. The contention of the Panchayat President is that one Nachiappan, Panchayat Secretary was promoted as Junior Assistant on 10.06.2014 and to fill up the resultant vacancy, a meeting was convened on 05.11.2014. Thereafter, the Panchayat has sought opinion from the Government Advocate. Based on the opinion, as per G.O.Ms.No.175 Rural Development and Panchayat Raj (E5) Department dated 05.12.2006, one T.Chelladurai was appointed. The said appointment was made subject to the



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outcome of the Writ Petition in W.P.(MD).No.16884 of 2013. The contention of the petitioner is that the Panchayat has issued the paper publication, distributed notice and also announced through “Thandora” and called for applications from the eligible candidates. The recruitment process was followed by conducting written test and interview. Hence, the appointment cannot be disturbed. However, through the impugned order the appointment was cancelled, hence the present Writ Petition is filed.

3. In the present Writ Petition, an order of interim stay was granted and based on the stay order, the petitioner is still continuing in the said post. The contention of the respondent is that as per G.O.Ms.No.72, the Panchayat President is not competent to constitute Committee and hence the selection is against G.O.Ms.No.72. Since the said Government Order is stayed by High Court, the petitioner is also continuing in the service and the petitioner is entitled to continue in the service. The Government is also intended to issue fresh Rules.

4. Therefore, this Court is of the considered opinion that the petitioner was appointed based on the erstwhile rules. The Panchayat also passed the



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resolution approving the appointment of the petitioner. Therefore, at this stage, the petitioner cannot be disturbed.

5. Even if the respondents are passing fresh rules, it will come to effect prospective only. In such circumstances, the petitioner's appointment is legally valid. Therefore, the respondents are restrained from disturbing the petitioner. The respondents are directed to allow the petitioner to continue in service. Hence, the impugned order is quashed and the petitioner is entitled to the consequential benefits.

6. In view of the above, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

26.06.2023

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



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To

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- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Block Development Officer,
Alangulam Panchayat Union,
Tirunelveli District.
- 3.The President,
Kidara Kulam Panchayat,
Alangulam Taluk,
Tirunelveli District.



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S.SRIMATHY, J.

Nsr

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