



WEB COPY

W.P.(MD)N



19

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD)No.24314 of 2019

and

W.M.P (MD)No. 20929 of 2019

V.Mondi

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.
2. The Assistant Director, (Village Panchayat),
Madurai District,
Madurai.
3. The Block Development Officer,
Madurai East Panchayat Union,
Madurai District.
4. The Special Officer/Executive Officer,
Poolampatti Village Panchayat,
Madurai East Panchayat Union,
Madurai District.

5. S.Nandakumar

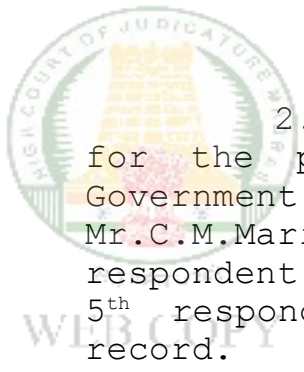
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of ***Writ of Direction***, declaring the proceedings of the 3rd respondent appointing the 5th respondent as Panchayat Clerk in 4th respondent Panchayat, dated 06.10.2019 by considering the petitioners representation, dated 09.11.2019 and consequently appointing the petitioner considering his eligibility.

For Petitioner	:	Mr.S.C.Herold Singh
For R-1, 2 & 4	:	Mr.R.Suresh Kumar, Additional Government Pleader
For R-3	:	Mr.C.M.Mari Chellaiah Prabhu
For R-5	:	Mr.K.P.Krishnadoss

ORDER

This writ petition is filed to consider the representation of the petitioner, dated 09.11.2019.



2. Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader appearing for respondents 1, 2 and 4 and Mr.C.M.Mari Chellaiah Prabhu, learned counsel appearing for 3rd respondent and Mr.K.P.Krishnadoss, learned counsel appearing for 5th respondent. Perused the material documents available on record.

3. The contention of the petitioner is that as ordered by the higher officials, the respondents have initiated steps to fill up the post of Panchayat Secretary. The place of the residence is one of the criteria to select a person and the person belonging to Poolampatti Village Panchayat, Madurai East Panchayat Union, Madurai District ought to be selected. But the 5th respondent belongs to Poovanthi Village, Sivagangai District, hence the selection of 5th respondent is against the notification and rules of recruitment.

4. The 5th respondent refuted the contention of the petitioner and submitted that he is residing in Door No. 3/3, Valachikulam, Poolampatti Village, Chittampatti Post. To substantiate this the 5th respondent submitted the Aadhar card, where it is stated that the 5th respondent belongs to Poolampatti Village, and therefore, the 5th respondent is coming within the purview of consideration.

5. The very same appointment was challenged by one another person, namely Pradeepa in W.P.(MD)No.5150 of 2020 and the Learned Single Judge vide order dated 03.02.2021 has dismissed the said writ petition. The 5th respondent herein is the 3rd respondent in the said writ petition. The Learned Single Judge has also recorded that the 5th respondent belongs to Poolampatti Village, Madurai District. Therefore, this Court is of the considered opinion that the petitioner without verifying the records has filed this writ petition and hence this Court is not inclined to entertain this writ petition.

6. Accordingly, this Writ Petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(R)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)



ksa

To

1. The District Collector,
Madurai District,
Madurai.

2. The Assistant Director, (Village Panchayat),
Madurai District,
Madurai.

3. The Block Development Officer,
Madurai East Panchayat Union,
Madurai District.

4. The Special Officer/Executive Officer,
Poolampatti Village Panchayat,
Madurai East Panchayat Union,
Madurai District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-26615[F] dated
07/06/2023)

W.P. (MD) No.24314 of 2019
06.06.2023

MK/08.07.2023 3P 6C