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W.P.No.18270 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.18270 of 2011

and

M.P.No.01 of 2011

M.Devendhiran

....Petitioner

Vs

1. The Block Development Officer,
Thirumanur,
Ariyalur District,
Tamil Nadu.
2. The District Collector,
Ariyalur District,
Tamil Nadu.
3. The President,
Panchayath Board,
Karai Vetti, Malathankulam, Kovilur,
Tamil Nadu, Ariyalur District.
4. The Director,
Employment Exchange,
Government of Tamil Nadu.

....Responden

ts

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorari Mandamus to call for the records relating to the impugned order of the 1st respondent in Na.Ka.Aa.1/11856/2011 dated 28.06.2011 and quash the same as highly



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illegal and consequently direct the 1st respondent to recruit the post of Helper in Panchayath through the 4th respondent by following a proper method of selection.

For Petitioner : Mr.K.S.Ilangovan
for M/s. Achari and Antoni Associates

For Respondents : Mr. D.Gopal
Government Advocate

ORDER

The Writ Petition has been filed to call for the records relating to the impugned order of the 1st respondent in Na.Ka.Aa.1/11856/2011 dated 28.06.2011 and quash the same as highly illegal and consequently direct the 1st respondent to recruit the post of Helper in Panchayath through the 4th respondent by following a proper method of selection.

2. The case of the petitioner is that, he is a handicapped person and passed 12th Standard. He registered with the Employment Exchange/4th respondent and his Registration Number is 709/2004. The first respondent issued a letter to fill up the post of 'Helper' vide Impugned Letter in Na.Ka.No.1/11856/2011 dated 28.06.2011. Respondents 1 & 3 are trying to fill up the post without following any procedure for selection. In the said circumstances, present Writ Petition is filed.

3. It is the further submission of the learned counsel for the petitioner



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that the method adopted by beat of Tom Tom to inform the Villagers of Panchayat of Thirumanur is not known to law. Wide publicity should have been given by publishing the notification of appointment inviting applications from wide sections of Society that was not done in this case. The maximum age limit for SC/ST candidates is 33 years. Applicants should have completed twelfth standard. These informations are not furnished in the impugned letter. Thus, he prayed for quashment of the impugned letter.

4. In response, the learned counsel for the respondents submitted that, there is no illegality or irregularity in the mode of selection. The impugned letter was sent as per the direction given by the District Collector and procedure for selection is contemplated in G.O.Ms.No.175 dated 05.12.2006. The procedure for recruitment process is detailed in G.O.Ms.No.175 dated 05.12.2006. Accordingly, necessary Tom Tom was made. Notice was affixed in the Office of the concerned Village Panchayat inviting applications from the eligible candidates. After following necessary procedures, one Venkaesan was selected as Helper. Thus, he prays for dismissal of this Petition.

5. Considered the rival submissions and perused the records. This Writ Petition is filed mainly challenging the impugned letter sent by the



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Block Development Officer, Thirumanur to the Village President in Na.Ka.Aa.1/11856/2011 dated 28.06.2011. This letter instructs the President, Thirumanur to appoint the Panchayat Assistant by following the guidelines detailed in the letter. One of the guidelines is that, public must be informed by beat of Tom Tom in all parts of the Panchayat. From 04.07.2011 to 06.07.2011, the intended eligible candidates should submit their written applications. Applications should be received from 10.00.a.m., to 05.00.p.m., and entered in the concerned Register. Thereafter, selections should be made for selecting a right person. This direction according to the learned counsel for the respondents, is in compliance to the direction given by the District Collector and in G.O.Ms.No.175 dated 05.12.2006

6. The learned counsel for the petitioner was not able to show any legal requirement to show that the advertisement should necessarily be published in the Newspaper. It is also seen from the impugned letter that, it is specifically mentioned that the maximum age of the SC/ST candidates is 33 years and should possess twelfth or equivalent educational qualification. Therefore, the allegations made in the affidavit of the petitioner that details are missing in the impuned letter is not correct. Now, the selection process is over and one Venkatesan was appointed as Helper and he is not a party to



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this Writ Petition.

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7. From the discussions held above, this Court is of the view that the selection process was conducted as per the direction of the District Collector and the procedure mentioned in G.O.Ms.No.175 dated 05.12.2006. Thus, it does not require any interference. Moreover, when Venkatesan is not impleaded in this Writ Petition his Selection cannot be challenged.

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

14.03.2024

Index :Yes/No
Internet:Yes/No
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G.CHANDRASEKHARAN, J

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To



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