



WEB COPY



W.A.No.1528 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.No.1528 of 2021
and
CMP.No.9673 of 2021

A.Asif Ali

... Appellant

Vs.

1. The District Collector,
Collectorate Buildings,
Coimbatore.
2. The Special Officer cum
Block Development Officer,
Servakaranpalayam Panchayat,
Pollachi North Union,
Pollachi Taluk,
Coimbatore District.

3. A.Sarubutheen

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 03.01.2020 passed in W.P.No.24715 of 2019.

For Appellant : Mr.S.Illamvaludhi

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For R1 : Mr.T.Chezhiyan
For R2 : Mr.R.Ramesh
For R3 : Mr.C.Jayaprakash
Government Advocate (vakalat returned)
For R4 : Mr.N.Umapathi

J U D G M E N T

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The writ appeal has been instituted against the order dated 03.01.2020 in W.P.No.24715 of 2019.

2. The third respondent in the writ petition is the appellant before us. The writ petition was instituted by the third respondent/A.Sarubutheen challenging the proceedings of the Block Development Officer dated 08.03.2019 wherein, the appellant has been selected to the post of Panchayat Secretary. It is not in dispute that the appellant and the third respondent participated in the process of selection for appointment to the post of Panchayat Secretary at Servakaranpalayam Panchayat. The dispute arose regarding the eligibility of the appellant as well as the third respondent for



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appointment to the post of Panchayat Secretary. The candidates who participated have not produced the particulars in full, which was disputed and the learned Single Judge adjudicated the issues and formed an opinion that the 2nd respondent has to recall the candidates, who were short listed for selection including the writ petitioner and shall be scrutinised by the Selection Committee in accordance with the Notification.

3. The writ court found that the scrutinisation of the applications were not done in accordance with the terms and conditions stipulated in the recruitment notification.

4. In view of the said finding, we are not inclined to go into the merits raised between the parties. The direction issued by the writ court would not cause prejudice to the short listed candidates. Contrarily, the Authorities would be in a position to finalise the selection from amongst the short listed candidates.

5. In view of the facts and circumstances, the respondents 1 and 2



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are directed to look into the issues afresh and select the candidates from amongst the short listed candidates by following the Notification issued. It is made clear that if none of the short listed candidates are eligible, then the Authorities may go for fresh Notification.

6. The said exercise is directed to be completed within a period of four (4) weeks from the date of receipt of a copy of this order. Accordingly, the Writ Appeal stands **disposed of**. No costs. Connected miscellaneous petition is closed.

[S.M.S., J.] [C.K., J.]
04.07.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

1. The District Collector,

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Collectorate Buildings,
Coimbatore.

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2. The Special Officer cum
Block Development Officer,
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Pollachi Taluk,
Coimbatore District.

S.M.SUBRAMANIAM, J.



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AND
C.KUMARAPPAN, J.

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Judgment in
W.A.No.1528 of 2021

04.07.2024