



W.P.No.4834 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.4834 of 2020

K.Karthikraj

... Petitioner

Vs.

1. The District Collector,
Nagapattinam,
Nagapattinam District.

2. The Block Development Officer,
Vedaranyam,
Vedaranyam Town & Taluk,
Nagapattinam District.

3. D.Anburaj

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned appointment order passed by the second respondent in Na. Ka. No. 882/Aa.1/2018 dated 01.11.2018 and quash the same and consequently direct the second respondent to appoint the petitioner in the post of Village Secretary to the Thanickottagam Village Panchayat, Vedaranyam Taluk, Nagapattinam District.



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For Petitioner : Mr. V.Kasinatha Bharathi
For Respondents : Mr. M.Muthusamy,
Government Advocate (for R1 & R2)
No appearance (for R3)

ORDER

The instant Writ Petition has been filed, challenging the appointment of the third respondent to the post of Village Secretary, Thanickottagam Village Panchayat, Vedaranyam Taluk, Nagapattinam District.

2. The learned counsel for the petitioner would vehemently contend that the very appointment made in favour of the third respondent is contrary to the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013 (hereinafter referred to as 'the Rules' for short), and that the mark awarded to the petitioner in respect of educational qualification is irrational. Furthermore, it is the specific contention of the learned counsel for the petitioner that the petitioner does not have any landed property, whereas the third respondent has landed property. Therefore, it is the contention of the learned counsel for the petitioner that the appointment made in favour of the



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third respondent is illegal and liable to be quashed.

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3. The said contention was strongly objected by the learned Government Advocate appearing for the first and second respondents, and would contend that they have appointed the third respondent by issuing a paper publication, calling for applications from eligible candidates. After conducting an interview, the third respondent was appointed based on the marks obtained, and on considering his other educational qualifications. Therefore, it is the contention of the learned Government Advocate that the appointment of the third respondent is well within the law. Hence, the instant Writ Petition has to be dismissed.

4. I have given anxious consideration to the submissions made on either side.

5. The main contention put forth by the learned counsel for the petitioner is that, the Appointment Committee ought to have consisted of the Personal Assistant (Development) to the Collector, the Assistant Director (Panchayats), and the Block Development Officer (Village Panchayats) of the



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Block concerned. By relying upon above Rule 3(4), the learned counsel for the petitioner submitted that the appointment order issued by the second respondent is to be quashed.

6. However, the learned counsel for the petitioner would fairly concede that this Writ Petitioner did not take such a defence. Apart from that, though it is the contention of the learned counsel for the petitioner that an appointment Committee was constituted in contravention to the Act and Rules, the petitioner himself has appeared before the same Committee without any demur. However, he objected appointment of the third respondent only after his non-selection. In such view of the matter, the contention put forth by the learned counsel for the petitioner is that, the Rules regarding appointment Committee could not be a ground to interfere with the order of appointment of the third respondent.

7. The other submissions put forth by the learned counsel for the petitioner, is that the allocation of marks for the petitioner's educational qualification. It is the submission of the learned counsel for the petitioner that he possessed one Post Graduate degree, and Diploma, whereas the third



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respondent had only a Diploma qualification. However, for the third respondent's educational qualification, a higher mark of seven was awarded, and a lesser mark was awarded to him.

8. It is a well-settled principle of law that any selection made by the authorities concerned cannot be interfered with unless a palpable error apparent on the face of the record is established. The criteria laid down by the authorities concerned cannot be interfered with, in a Writ Petition, where this Court has only limited power to interfere to extend Articles 14 and 16 of the Constitution of the India. Therefore, such contention also cannot be ground in favour of the petitioner.

9. The yet another defence is that the third respondent has landed property. While looking at the recruitment notification, this Court could not find any ground regarding the possession of land, as either a qualification or disqualification for appointment to the post. Hence, in view of the above discussion, this Court do not find any merit in the Writ Petition.



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9. In the result, this Writ Petition is dismissed. No costs.

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

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C.KUMARAPPAN, J.

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