



W.P.No.14072 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.14072 of 2021

P.Dhanalakshmi

... Petitioner

Vs.

1. The Director of Rural Development and
Panchayat Raj Department,
Panagal Maaligai,
4th & 5th Floor, Abdul Razzak Street,
Saidapet, Chennai - 600 015.

2. The District Collector,
Villupuram District,
Villupuram.

3. The Block Development Officer,
Kandamangalam Panchayat Union,
Kandamangalam Post,
Villupuram District - 605 102.

4. M.Vijayakumar

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd Respondents to conduct enquiry on the selection and appointment of the 4th respondent to



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the post of Panchayat Secretary, Sorappur Village Panchayat, Kandamangalam Panchayat Union, Villupuram District and to cancel the appointment and consequently directing the respondent to pass orders for granting appointment of the petitioner based on merit and seniority under priority category by considering the representation/appeal submitted by the petitioner dated 15.05.2021 in accordance with law within a time frame to be fixed by this Court.

For Petitioner	:	Mr.S.Nedunchezhiyan
For Respondents		
For R1 and R2	:	Mr.M.Rajendran, Additional Government Pleader
For R3	:	Mr.S.Suriya
For R4	:	Mr.C.Vigneswaran

ORDER

The petitioner who had applied for the post of Panchayat Secretary of Sorapur Vilage, Panchayat, did not get selected and hence he has filed the present Writ Petition seeking direction to the respondents 1 and 2 to conduct enquiry on the selection and appointment of the 4th respondent to the post of Panchayat Secretary, Sorappur Village Panchayat, Kandamangalam Panchayat Union, Villupuram District



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2. The learned counsel for the petitioner submitted that the selection process was not proper and the appointment of the 4th respondent in the said post is not in accordance with the existing Rules. The post called for has been reserved for the candidates belonging to Intercaste marriage category and the petitioner is the only candidate in the said category. He further submitted that the petitioner was called for the interview. However, she was not selected, but the 4th respondent was selected. The petitioner has submitted an appeal before the 2nd respondent on 15.05.2021 with the informations received by him under Right to Information Act. As per the information furnished, five persons have been called for interview.

3. The learned counsel for the 3rd respondent submitted that out of five members who have called for the interview, two were absent and only three persons including the petitioner were present. In fact, the post was reserved only for BC (other than Muslim). Since the post has not been reserved for intercaste marriage category as submitted by the petitioner, the petitioner cannot insist upon the respondents to give any special preference for having involved in intercaste marriage.



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4. The learned counsel for the petitioner submitted that even in the Employment exchange list, the petitioner has better seniority than the 4th respondent.

5. As per the orders passed by this Court in ***W.P.No.26641 of 2019, dated 25.03.2021 in P.Sasikumar Vs. Government of Tamil Nadu and others***, it is not mandatory to select the candidates through employment exchange. It may also be done through proper advertisement for the purpose of picking up eligible candidates to participate in the selection process. Since the petitioner could not make out any violation of Rules in the selection process, there is nothing to presume that the 4th respondent's appointment has been invalid.

6. Hence, this Writ petition is dismissed. No costs.

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Index: Yes / No
Speaking order / Non-speaking order
vum



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To:

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