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W.P.No.27304 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.27304 of 2022 and
W.M.P.Nos.26496 & 26497 of 2022

G.Bharathi

... Petitioner

Vs.

1.The Additional Director of Panchayat
and Rural Development,
Tiruvannamalai District.

2.The District Collector,
Tiruvannamalai District.

3.The Special Officer/ Block Development Officer,
Thachampattu Panchayat, Tiruvannamalai 606 601.

4.Suganthi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the third respondent in his proceedings Na.Ka.No.954/2018/U.A.3, dated 09.11.2019 and quash the same and consequently, directing the respondents 1 to 3 to appoint the petitioner as Panchayat Secretary, Thachampattu Village Panchayat, Tiruvannamalai Panchayat Union, Tiruvannamalai.



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For Petitioner : Mrs.R.Hemalatha
For Respondents : Mr.R.U.Dinesh Rajkumar,
AGP for R1 to R3
Mr.T.Panchatsaram for R4

ORDER

This Writ Petition has been filed by the petitioner for quashment of the impugned order passed by the third respondent in his proceedings Na.Ka.No.954/2018/U.A.3, dated 09.11.2019 and consequently, to direct the respondents 1 to 3 to appoint the petitioner as Panchayat Secretary, Thachampattu Village Panchayat, Tiruvannamalai Panchayat Union, Tiruvannamalai.

2. Heard the learned counsel on either side and also perused the materials available on record.

3. The learned counsel for the petitioner submitted that the third respondent called for interview to fill up the post of Panchayat Secretary, Thachampattu Village in Na.Ka.No.954/2018/U.A.3, dated 26.06.2018. The third respondent has stated in his notification that the applicant must be



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resident of the Panchayat Union and the post has been reserved for backward class community and if no eligible candidate found within the panchayat limit, then it can be considered for outsiders. The petitioner has applied for the said post and enclosed all the documents to prove that he is the resident of Thachampattu Village. Thereafter, an interview was conducted and the petitioner has participated in the interview. The third respondent without following the notification dated 26.03.2018, had appointed the fourth respondent in the said post. Therefore, the petitioner sent a representation dated 25.10.2019 to the Chief Minister's Special Cell and the Rural Development Department with sufficient proof that the fourth respondent is not a resident of the Tiruvannamalai Panchayat Block. He further submitted that the fourth respondent is in possession of two voter ID cards where her old voter ID card was issued with her father's name and another ID card was issued with her husband's name. The fourth respondent got married and moved to Polakunam Village, within the limits of Keelpennathur Panchayat Union limits, but she suppressed the same and applied for the said post. Despite being aware of the discrepancies and the representation of the petitioner dated 14.11.2019, the respondents have not taken any action against the fourth respondent. Thereafter, the petitioner approached this



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Court by way of a Writ Petition in W.P.No.33626 of 2019 seeking a direction to the respondents to consider his representation and cancel the appointment order issued in favour of the fourth respondent. This Court had closed the said petition by observing that if the petitioner have any grievance, it is also open to him to agitate the same in W.P.No.27304 of 2022. After that, the petitioner made several applications under RTI Act for receiving the appointment order of the fourth respondent, but the third respondent had not furnished the copy of the same for several months. Hence, the petitioner has filed the present petition seeking a direction to the respondents 1 to 3 to appoint him as Panchayat Secretary of Thachampattu Village.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner herein aggrieved over the rejection of his candidature for the post of Panchayat Secretary, approached this Court in W.P.No.33626 of 2019 which stands closed and again filed this petition seeking support towards his illegitimate claim. The third respondent has appointed the fourth respondent as Panchayat Secretary of Thachampattu Village after perusing all the documents which evident that the fourth respondent is the resident of Thachampattu Village. The Recruitment process



for the post of Panchayat Secretary was carried out on the basis of the proceedings of the Director, Rural Development & Panchayat Raj, vide DO Letter No.90460/2013/E4 dated 05.01.2018 and there is no deviation in this regard.

5. In view of the submissions made by the learned Additional Government Pleader, this Court finds that after following the proper procedure, the third respondent had selected the fourth respondent and hence, this Court is of the considered opinion that the order of the third respondent warrants no interference.

6. Accordingly, this Writ Petition stands dismissed. Consequently, connected Miscellaneous Petitions are also closed. No costs.

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Index : Yes / No

Speaking order / Non-speaking order

To

- 1.The Additional Director of Panchayat
and Rural Development,
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VIVEK KUMAR SINGH, J.

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