



W.P.(MD)No.10555 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.10555 of 2024

and

W.M.P.(MD).No.9479 of 2024

1.K.Abdul Kadhar Jailani

2.E.Mohan

3.G.Raghupathy

4.R.Pandian

... Petitioners

Vs.

1.The Additional Chief Secretary,
Rural Development and Pachayat Raj Department,
Fort. St. George, Chennai -9.

2.The Commissioner of Rural Development and Panchayat Raj,
Saidapet,
Chennai - 600015.

3.The Director - SASTA Social Audit Society of Tamilnadu,
Panagal Maaligai,
West Saidapet, Chennai - 600015.

4.The Joint Director North,
Social Audit Society of Tamilnadu,
Panagal Maaligai, West Saidapet, Chennai - 600015.



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5.The Assistant Director,
Social Audit Society of Tamilnadu,
Panagal Maaligai,
West Saidapet, Chennai - 600015.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order in Roc.No.411/2024/S1, dated 08.04.2024, on the file of the Respondent No.3 and quash the same as illegal and consequently for a direction directing the Respondent No.3 to engage the petitioners as District Resource Persons and Block Resource Persons in accordance with the Judgement rendered by the Hon'ble Madras High Court in W.P.No.19335 of 2023 and W.P.No.18552 of 2023 dated 29.08.2023 and W.P.(MD)No.5733 of 2024, dated 08.03.2024 within the time stipulated by this Court.

For Petitioners : Mr.T.Aswin Raja Simman

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. Mr.T.Aswin Raja Simman, learned counsel appearing for the petitioners and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents.



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3. The petitioners, who are aggrieved due to the impugned order in Roc.No.411/2024/S1, dated 08.04.2024, passed by the third respondent, have filed this writ petition seeking to quash the above said impugned order and consequently directing the third respondent to engage the petitioners as District Resource Person and Block Resource Person, respectively in accordance with the Judgement rendered by this Court in W.P.No.19335 of 2023 and W.P.No. 18552 of 2023 dated 29.08.2023 and W.P.(MD)No.5733 of 2024, dated 08.03.2024

4. In fact, the impugned order has been passed in pursuant to the order passed in W.P.Nos.19335 and 18552 of 2023, dated 29.08.2023, wherein, following directions have been given:

“i. The respondents shall not disengage the petitioners from their services, except in the cases where they are unfit or found guilty of any misconduct or involved in any criminal case or act(s) of moral turpitude, etc.

ii. The respondents shall consider renewal of the contract with the petitioners, instead of disengaging them totally by engaging a new set of persons.”



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5. The respondents have filed a Writ Appeal in W.A.(MD).No.3491 of 2023 before this Court and still it is pending. However, despite pending, the Director of Social Audit has passed the proceedings by giving the benefit of reengaging the petitioners as per the orders passed in W.P.Nos.19335 and 18552 of 2023.

6. The grievance of the petitioners is that except themselves, all others have been given benefit of re-engagement. But the petitioners' request has been rejected stating that the petitioners do not have the qualification of good conduct. Since similarly placed persons have been found to be qualified for re-engagement, the petitioners ought not to have been singled out by stating a lame reason that the petitioners does not have good conduct and integrity without substantiating the same. Hence, the impugned order is liable to be quashed.

7. In view of the aforestated reasons, this Writ Petition stands allowed and the impugned order passed by the third respondent in Roc.No.411/2024/S1, dated 08.04.2024 is quashed and the third respondent is directed to consider the petitioners' re-engagement on par with the other similarly placed persons for whom orders have been issued in pursuant to the proceedings dated 02.02.2024 issued by the third respondent within a period of eight (8) weeks from the date



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of receipt of a copy of this order. No costs. Consequently, the connected

miscellaneous petition is closed.

29.04.2024

Index:yes/no

Internet:yes/no

Ncc : yes/no

TSG

To

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Rural Development and Pachayat Raj Department,
Fort. St. George, Chennai -9.
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R.N.MANJULA, J.



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