



W.P(MD)No.4487 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.02.2024**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.4487 of 2019

and

W.M.P(MD)Nos.3556 & 3557 of 2019

K.Alex Jeeva Malar

... Petitioner

Vs.

1.The Special Officer / Block Development Officer,
Village Panchayat,
Paramakudi Panchayat Union Office,
Kattu Paramakkudi, Paramakkudi,
Ramanathapuram District-623 707.

2.B.Shanmugapriya

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent relating to the impugned Proceedings in Na.Ka.B4/1152/2018; dated 07.02.2019 appointing the 2nd respondent as Panchayat Secretary of S.Kavanoor Panchayat, quash the same as null and void, non-est in the eye of law, direct the 1st respondent to appoint the petitioner or any of the suitable contestants to that post applied from the residents within S.Kavanoor Panchayet, as per the notification for appointment in Na.Ka.No.B4/1152/2018, dated



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27.03.2018 of the 1st respondent.

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For Petitioner : Mr.S.Seenivasagam

For R1 : Mr.T.Amjadkhan
Government Advocate

For R2 : Mr.A.R.Kannappan

ORDER

The present writ petition has been filed by an aspirant to the post of Panchayat Secretary of S.Kavanoor Panchayat, Paramakudi Taluk, Ramanathapuram District.

2. The petitioner has challenged the appointment order issued to the 2nd respondent herein on the ground that only a resident of S.Kavanoor village can be appointed as Panchayat Secretary for the said Panchayat. Since the 2nd respondent who is the selected candidate belongs to a different village, her selection is not in accordance with the Government Orders. Hence, he has prayed for quashing the appointment order issued to the 2nd respondent and appoint the petitioner or any other suitable candidate to the said post, from the residents of S.Kavanoor Panchayat.



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3. The learned counsel appearing for the 2nd respondent brought to the notice of the Court that another aspirant, namely Divya had filed W.P(MD)No.15906 of 2019 challenging the very same appointment order of Shanmugapriya. This Court by an order, dated 06.04.2023 had rejected the contentions of the petitioner therein and upheld the appointment of Shanmugapriya on the ground that candidates cannot be restricted based on places of residence and the same would be against Article 14 of the Constitution of India. The said judgment has become final.

4. The appointment of the 2nd respondent herein was challenged in W.P(MD)No.15906 of 2019 on the ground that she does not belong to S.Kavanoor village. On the same ground, the present writ petition has been filed by another aspirant. Since W.P(MD)No.15906 of 2019 has already been dismissed rejecting the same contentions of another aspirant, this Court finds that there are no merits in the present writ petition.



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5. Hence, this Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

16.02.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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To

The Special Officer / Block Development Officer,
Village Panchayat,
Paramakudi Panchayat Union Office,
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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.4487 of 2019

16.02.2024