



W.P.(MD) No.19948 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2024

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.19948 of 2020
&
W.M.P(MD)Nos.16608 and 16610 of 2020

Keerthana

... Petitioner

Vs.

1.The District Collector
Karur District
Karur

2.The Block Development Officer, (Village Panchayat)
Kulithalai,
Karur District

3.The President
Thimmampatti Panchayat
Kulithalai Union
Karur District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus to call for the entire



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records in relating to the impugned orders passed by the 1st respondent in Na.Ka.PaVa6/5291/2019 dated 11.12.2020 and the consequential impugned order of the 3rd respondent dated 19.12.2020 and to quash the same as illegal and consequently to direct the respondents to conduct the recruitment process to the post of Panchayat Secretary in Thimmampatti Panchayat by following due process of law and by correctly fixing the communal roster so as to enable the petitioner to participate in the above recruitment process.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.D.Sasikumar, AGP

ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned orders passed by the 1st respondent in Na.Ka.PaVa6/5291/2019 dated 11.12.2020 and the consequential impugned order of the 3rd respondent dated 19.12.2020 and to quash the same as illegal and consequently to direct the respondents to conduct the recruitment process to the post of Panchayat Secretary in Thimmampatti Panchayat by following due process of law and by correctly fixing the communal roster so as to enable the petitioner to participate in the



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above recruitment process.

2. The petitioner herein claims to have submitted an application to the post of Panchayat Secretary in the 3rd respondent Panchayat in response to a notification dated 09.11.2019 issued by the respondents and she along with two others have participated in the selection process and participated in the interview for the said post. However, the respondents instead of finalising the recruitment process, pursuant to the notification dated 09.11.2019, issued a fresh notification dated 11.12.2020 in proceedings Na.Ka.Pava6/5291/2019 by earmarking the said post to the Scheduled Class candidate. Though the same post was earlier notified for backward class community. Hence, the petitioner approached this Court by questioning the notification dated 11.12.2020 issued by the 1st respondent.

3. The 3rd respondent filed counter affidavit stating that the notification dated 09.11.2019 was issued erroneously notifying the post in question for Backward Class (communal rotation) and during the process of selection, it is realized that the said post is meant for scheduled caste and not



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for Backward Class and hence the notification dated 09.11.2019 was cancelled and fresh notification dated 11.12.2020 was issue for filling up the post of Panchayat Secretary. Admittedly, under the impugned notification, the post is earmarked for Scheduled Class and the petitioner herein does not belong to the said class and is not entitled to make an application pursuant to the impugned notification. Though the 3rd respondent in his counter affidavit has stated that the reason for cancelling the notification dated 09.11.2019 stating that the said post was erroneously notified for backward class, though it does not belong to the Backward Class, nothing is brought to the notice of this Court nor placed any material before this Court to show that the reason given by the 3rd respondent is incorrect. In the absence of any contradiction to the contention made in the counter affidavit, this court has no other option except to dismiss the Writ Petition. Further, it is also brought to the notice of this Court by learned Government Advocate that even pursuant to the impugned notification also, no appointment has taken place and the said notified post was infact filled up by transfer of Panchayat Secretary working in neighbouring Panchayat through proceedings in Na.Ka.Aa2/1988/2020 dated 13.04.2022 and copy of the said proceedings is also placed before this



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Court. Thus, practically the relief sought for in the Writ Petition has become infructuous.

In the light of the above, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.02.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1.The District Collector
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