



W.A.(MD).No.672 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.06.2024

CORAM

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD).No.672 of 2018
and
C.M.P.(MD).No.3783 of 2018

P.Akilaraju ... Appellant / 2nd Respondent

Vs.

1.R.Ponnaiah ... 1st Respondent/Petitioner

2.The Executive Officer,
Eriyode Town Panchayat,
Eriyode,
Dindigul District. ... 2nd Respondent/1st Respondent

PRAYER: Writ Appeal filed under Section 15 of Letters Patent Act, praying to set aside the orders passed by this Court in W.P.(MD).No.1921 of 2009 dated 22.03.2018.

For Appellant	: Mr.F.Deepak
For R-1	: Mr.M.Kannan
For R-2	: Mr.A.Baskaran Additional Government Pleader



W.A.(MD).No.672 of 2018

JUDGMENT

(Judgment of the Court was made by A.D.JAGADISH CHANDIRA,J.)

This Writ Appeal has been filed by the second respondent in the Writ Petition against the order of the learned Single Judge of this Court in W.P. (MD).No.1921 of 2009 dated 22.03.2018, quashing his appointment as Sanitary Supervisor.

2. For the sake of convenience, the parties are referred to as per their ranking in the Writ Petition.

3. The learned counsel for the appellant/second respondent would submit that the first respondent/Executive Officer, Eriyode Town Panchayat, had called for candidates for appointment to the post of Sanitary Supervisor. The writ petitioner, second respondent and three other persons were sponsored through the District Employment Exchange office, Dindigul. A personal interview was conducted on 28.11.2008 by the Selection Committee consisting of three members, namely, the Town Panchayat Chairman, Executive Officer of the Town Panchayat and one Ward member.



W.A.(MD).No.672 of 2018

During the interview, the Selection Committee finding that the appellant/second respondent was the only person, who had answered all the questions, had provisionally selected the appellant and later, he was appointed to the post of Sanitary Supervisor. The learned counsel further submitted that the writ petitioner, who had a criminal case against him in Crime No.45 of 2000 for the offences under Sections 147, 148, 379, 427 and 506(ii) IPC on the file of Eriyode Police Station, Dindigul, was not selected and who was otherwise not eligible, had challenged the selection in the Writ Petition. The learned Single Judge, without taking into consideration that the writ petitioner was not qualified, had set aside the appointment of the second respondent and thereby, the learned counsel seeks to set aside the order of the learned Single Judge.

4. The learned counsel for the first respondent/writ petitioner would contend that it was the admitted case of the Executive Officer that no marks were awarded to the candidates, who appeared in the interview and the learned Single Judge held that no proper methodology was adopted during selection process. He would further submit that the learned Single Judge, after going through the files, in paragraphs 16 to 20 of the order, has



W.A.(MD).No.672 of 2018

categorically observed the non-compliance of selection procedure and had rightly set aside the order of selection. Hence, the learned counsel seeks for dismissal of the Writ Appeal.

5. Heard the learned counsels on either side and perused the materials available on record.

6. The appellant is the second respondent in the Writ Petition. The first respondent/Executive Officer had conducted an interview for the post of Sanitary Supervisor on 28.11.2008. On perusal of records, we find that the writ petitioner had sought for information under the Right to Information Act and in the reply given by the Executive Officer, it has been stated that no mark was awarded to the candidates, who appeared in the interview before the Selection Committee. The learned Single Judge had called for the entire files relating to the process of selection for appointment and after carefully perusing the files, had observed as follows:

“16.On a perusal of the entire selection proceedings this Court is able to realize that the selection committee has not conducted any selection at all. Merely, they have selected the second respondent at their own whims and fancies. The



WEB COPY



W.A.(MD).No.672 of 2018

established procedures for selection had not been followed. No marks were awarded to the candidates. The method of interview and the manner in which the interview was conducted are absolutely not available in the records. On enquiry by this Court, the first respondent is unable to say that the interview committee conducted an interview by awarding marks to the respective candidates. Contrarily it is admitted by the first respondent that no marks were awarded. The same answer was provided to the writ petitioner by way of reply on the application submitted under the Right to Information Act.

17.Thus, it is an admitted fact that the interview committee had not conducted the interview in the manner known to law. The questions asked, the marks awarded and no other particulars are available in the file produced by the first respondent in respect of the selection. At the out set, the proceedings of the Interview committee, which is recorded in the above paragraphs alone is available in the file. Thus, this Court is of an undoubted opinion that the committee had selected the second respondent at their choice and appointed him in violation of the recruitment rules in force. The post of sanitary Supervisor is a Government Post and the time scale of pay is fixed by the Government. When the competent authorities undertake the process of selection for a public post, Rules relating to the recruitment and the selection procedure are to be followed without any deviation.”



W.A.(MD).No.672 of 2018

7. The learned Single Judge, on finding that the selection was not made in a transparent manner and selection was not conducted in accordance with the established procedure, had rightly allowed the Writ Petition and quashed the order of selection and also directed the Executive Officer to conduct a fresh selection by providing opportunity to all eligible candidates. The learned Single Judge further directed the Executive Officer to relieve the appellant/second respondent forthwith and also directed the District Collector, Dindigul to ensure the implementation of the order in all respects. Therefore, we do not find any infirmity in the order passed by the learned Single Judge and the same stands confirmed.

8. Accordingly, the Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(A.D.J.C.,J.) (K.R.S.,J.)
11.06.2024

NCC : Yes / No
Index : Yes / No
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W.A.(MD).No.672 of 2018

To

The Executive Officer,
Eriyode Town Panchayat,
Eriyode,
Dindigul District.



WEB COPY



W.A.(MD).No.672 of 2018

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and
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W.A.(MD).No.672 of 2018

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