



W.P.No.30111 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.30111 of 2018 and
W.M.P.Nos.35127 & 35129 of 2018

V.Jayaraj

... Petitioner

Vs.

- 1.The District Collector,
Collectorate, Thiruvavarur & District.
- 2.The Special Officer / Block Development Officer
(Village Panchayat),
Muthupet Region,
Thiruvavarur District.
- 3.The Maruthavanam Village Panchayat,
Rep. by its Special Officer,
Maruthavanam,
Thiruthuraipoondi Taluk,
Thiruvavarur District.
- 4.Mr.Avinash,
S/o.Thiyagarajan
North Street,
Maruthavanam & Post,
Thiruthuraipoondi Taluk,
Thiruvavarur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,



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to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.1190/2018/A2 dated 02.11.2018 and quash the same and consequently, direct the 2nd respondent to appoint the petitioner as Panchayat Secretary in the third respondent Panchayat.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.V.Umakanth, GA for R1
Mr.T.Chezhiyan, AGP for R2
Mr.S.Ilamvaludhi for R3

ORDER

This Writ Petition has been filed to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.1190/2018/A2 dated 02.11.2018 and quash the same and consequently, direct the 2nd respondent to appoint the petitioner as Panchayat Secretary in the third respondent Panchayat.

2. Heard Mr.P.Vijendran, learned counsel for the petitioner, Mr.V.Umakanth, learned Government Advocate for R1, Mr.T.Chezhiyan, learned Additional Government Pleader for R2, Mr.S.Ilamvaludhi, learned counsel for R3 and perused the materials available on record.



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3. The petitioner had applied to the post of Panchayat Secretary for Maruthavanam Panchayat in response to the second respondent's notification dated 26.03.2018. The second respondent has issued a interview call letter on 15.05.2018 to the petitioner. It is stated by the petitioner that a resolution has been passed by the Grama Sabha that the petitioner is a fit person to be appointed as Panchayat Secretary. But the fourth respondent has been appointed to the said post. According to the petitioner, the notification itself is void as he was working as Panchayat Secretary in the third respondent Panchayat from the year 2011.

4. The learned counsel for the petitioner submitted that the fourth respondent has been appointed only due to political influence and without following any rules.

5. The learned Additional Government Pleader for the second respondent totally denied the allegation that the petitioner has been working as a Panchayat Secretary right from the year 2011. It is submitted that one Senthil Kumar has been working as Panchayat



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Secretary and consequent to his promotion, the post has become vacant from 01.02.2018. In fact, the Selection Committee is involved in the selection process and the petitioner cannot be appointed just because the Grama Sabha has passed resolution stating that he is fit enough to be appointed as Panchayat Secretary.

6. The notification calling for the application to the post of Panchayat Secretary itself has got certain terms and conditions and one among the important terms is that the appointment would be done by following the rules for reservation and the merit and the ability of the applicants is assessed on the basis of various factors by the Selection Committee.

7. The seniority of the applicant's registration in the employment exchange also plays a significant part in the selection process. The fourth respondent is said to have registered in the year 2013 in the employment exchange. The petitioner has registered only in the year 2018. So the fourth respondent has a better seniority than the petitioner and both the petitioner and the fourth respondent have undergone the selection process by participating in the interview conducted on 23.05.2018. As the fourth



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respondent was found to be a better candidate after the merit and ability of all the candidates for the interview is assessed, he was appointed to the post of Panchayat Secretary. The appointment cannot be made just because with the recommendations of some of the village persons for the post of Panchayat Secretary. As the petitioner had approached the Court with a wrong notion that his entitlement is based upon the villagers' recommendation, I find no ground in favour of the petitioner.

8. In fact the petitioner has stated that the notification itself is void and not in accordance with law. But he has not challenged the very notification itself. Having participated in the selection process in respect to the notification, the petitioner cannot now come and say that the notification itself is void. In view of the above stated reasons, this Writ Petition is liable to be dismissed.

9. In the result, this Writ Petition is dismissed. No. costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No

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R.N.MANJULA, J.



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