



W.P.(MD)No.2333 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.2333 of 2022

and

W.M.P.(MD).Nos.2037 and 2038 of 2022

S.Sivaperumal

... Petitioner

Vs.

- 1.The Director of Town Panchayat,
Town Panchayat Directorate,
Kuralagam,
Chennai – 10.
- 2.The Assistant Director of Town Panchayats,
Sivagangai Zone,
Sivagangai District.
- 3.The District Collector,
Sivagangai District,
Sivagangai.
- 4.The Executive Officer,
Manamadurai Town Panchayat,
Manamadurai,
Sivagangai District.
Presently, the Commissioner, Manamadurai Municipality, Sivagangai District



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5.Hari Prasath

6.Tamil Nadu Local Bodies Ombudsman,
No.100, Anna Salai,
Guindy,
Chennai-32.

... 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 of appointment passed by the fourth respondent in NA.Ka.No.459/2019 dated 07.09.2020 in favour of the fifth respondent for the post of Market Security and quash the same as illegal and consequently direct the 4th respondent to appoint the petitioner as Market Security in the 4th respondent office based on his eligibility as mentioned in G.O.Ms.No. 198, Municipal Administration and Water Supply Department, dated 26.10.1998.

For Petitioner	: Mr.A.K.Manickkam, for Mr.V.Sasikumar
For R-1 to R-3	: Mr.C.Satheesh, Government Advocate
For R-4	: Mr.A.Kathiravan
For R-5	: Mr.A.Srinivasan, for Mr.V.Vijayshankar
For R-6	: Mr.D.Shanmugaraja Sethupathi



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ORDER

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This writ petition has been filed challenging the appointment of the fifth respondent to the post of Market Security under the impugned appointment order dated 07.09.2020 issued by the fourth respondent.

2. The petitioner applied to the post of Market Security along with others, as well as the fifth respondent, pursuant to an advertisement. The fifth respondent was selected to the post of Market Security and was issued the appointment order on 07.09.2020 by the fourth respondent, which is under challenge in this writ petition.

3. According to the petitioner, the fourth respondent has not followed the terms of its own notification which prescribed that the minimum qualification for the appointment to the post of Market Security was a pass in VIII Standard. According to the petitioner, since the fifth respondent is over-qualified, as he is a diploma holder, the petitioner ought to have been given preference over the fifth respondent for being appointed to the post of Market Security. The petitioner also claims that the fifth respondent's father is also working in the very same respondent Town Panchayat and only under his influence, the fifth respondent was appointed under the impugned appointment order. The



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petitioner also claims that the impugned selection was not passed in accordance with the existence Rules as mentioned in G.O.(Ms).No.198, Municipal Administration and Water Supply Department, dated 26.10.1998 and therefore, the appointment order issued to the fifth respondent by the fourth respondent is arbitrary and illegal.

4. A counter-affidavit has been filed by the respective respondents denying the contentions of the petitioner.

5. The official respondents, namely, Respondent Nos.1 to 4 have filed a counter stating that a fair procedure was followed by the respondents in the selection process and only thereafter, since the fifth respondent was found to be suitable and eligible to hold the post of Market Security, he was duly appointed under the impugned order. They have categorically contented that there is no irregularity committed by them in the selection process, which is challenged in this writ petition. A similar contention has also been raised by the fifth respondent through his counter-affidavit before this Court.

6. Admittedly, the fifth respondent is qualified to hold the post of Market Security as per the Advertisement given by the respondent Panchayat for selecting candidates to the post of Market Security.



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7. A counter-affidavit has also been filed by respondent Nos.1 to 4 before this Court, wherein, they have stated that 16 candidates including the petitioner had appeared for interview and marks were also awarded for the questions to each of the candidates. They have categorically contented that only by following a fair procedure in the selection process, the fifth respondent was appointed to the post of Market Security under the impugned order. Even though several allegations have been levelled by the petitioner to the impugned selection process, which includes the allegations that the respondent Panchayat did not follow the guidelines as per the various Government Orders and the respondent Panchayat has not conducted the selection process in a fair manner, the said allegations are not supported by any material evidence.

8. The fifth respondent has already joined duty as Market Security in the respondent Panchayat pursuant to the issuance of the impugned appointment order dated 07.09.2020. The petitioner is also not having the benefit of any interim stay of the operation of the impugned order appointing the fifth respondent as Market Security even though this writ petition was filed in the year 2022 itself and the impugned order was issued in the year 2020. At this juncture, that too when there is no evidence placed on record by the petitioner to



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establish that there was irregularity committed by the respondent Panchayat in the selection process, the question of entertaining this writ petition does not arise.

9. For the foregoing reasons, this Court does not find any merit in this writ petition and the same stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

03.11.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Director of Town Panchayat,
Town Panchayat Directorate,
Kuralagam,
Chennai – 10.

2.The Assistant Director of Town Panchayats,
Sivagangai Zone,
Sivagangai District.

3.The District Collector,
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ABDUL QUDDHOSE, J.

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