



W.P.(MD)No.4818 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 05.02.2025

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THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.4818 of 2019
and
W.M.P.(MD)No.3825 of 2019

B.Sivaraga Priya

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Ramanathapuram,
Ramanathapuram District.

2.The Special Officer / The Block Development Officer,
(Village Panchayat),
Panchayat Union Office,
Paramakudi, Ramanathapuram District-623 707.

3.Nithya

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the appointment of the third respondent as the Panchayat Secretary at the office of the Village Panchayat of S.Andakkudi, Paramakudi Panchayat Union, Ramanathapuram District as illegal and consequently to direct the respondents to consider the petitioner for appointment to the post of



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Panchayat Secretary at the office of the Village Panchayat Union,
Ramanthapuram District within the time stipulated by this Court.

For Petitioner : Mr.S.Louis
For R1 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.
For R2 : Mr.J.K.Jeyaseelan,
Government Advocate.
For R3 : Mr.S.Sivathilakar

ORDER

Under assail is the appointment of the third respondent as the Panchayat Secretary and consequently to direct the respondents to consider the petitioner for appointment to the post of Panchayat Secretary.

2.It is the case of the petitioner that the petitioner applied for the post of Panchayat Secretary in S.Andakkudi, Paramakudi Panchayat Union, as per the announcement made by the Panchayat Office. The petitioner had received the call letter to attend the interview to the post of Panchayat Secretary scheduled on 16.11.2018. Accordingly, she attended the interview and performed well. There was no news about the results of the interview. The third respondent is the wife of one Senthilkumar,



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who was earlier working as the Organizer of the Rural Employment Scheme providing compulsory work for minimum 100 days in a year.

The said Senthilkumar was found to be misappropriated the funds and he was thrown out from such work of organizing the scheme. Thereafter, the third respondent was appointed as the Organizer of the scheme. The petitioner was proved to be most deserving candidate as she was an orphan under the care of widowed mother, who is a daily wager, yet she was not selected. The third respondent was given appointment without any valid reasons. Hence, the writ petition.

3.The learned counsel appearing on behalf of the petitioner would submit that the petitioner is orphan under the care of her widowed mother and yet the petitioner was not selected for the reasons best known to the respondents. The entire recruitment process would reveal that there was no fairness in the process and several other factors played influential roles in the selection process. The petitioner has proved to be a most deserving candidate and prayed to declare that the appointment of the third respondent as illegal and consequently to direct the respondents to consider the petitioner for appointment to the post of Panchayat Secretary.



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4.Per contra, the learned Additional Government Pleader appearing

on behalf of the first respondent and the Government Advocate appearing on behalf of the second respondent would submit that the relief sought for in this writ petition cannot be granted on the ground that she is poor lady and her father is no more and she is residing with her widowed mother and the same cannot be reasons to declare the appointment as illegal. The husband of the third respondent one Senthilmurugan is still working as worker in the rural employment scheme. They would further submit that the first respondent had notified the post for General Turn (women) for the post of Secretary to Panchayat and there is no priority quota available in the notification. The petitioner was also sponsored by the District Employment Exchange and she was participated in the interview. The selection process was finalized by the three members committee constituted by the Government. The said committee scrutinized the application received as per notification dated 27.03.2018, by considering the educational qualification, age, nativity, community wise and other criteria. The third respondent was selected and she was appointed in the said post vide order dated 07.12.2019. The petitioner has no locus standi to challenge the selection process without any material and prayed to dismiss the writ petition.



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5.This Court considered the submissions made on either side and perused the materials available in the record.

6.It is seen from the records that Panchayat Secretary vacancy list in Ramanathapuram District as on 28.02.2018 reveals that Block Code 11, Paramakudi Block, Village Panchayat Code 20 S.Anadakkudi Village Panchayat was vacant,under the category of general turn-women. It is stated in the counter affidavit filed by the first and second respondent in paragraph Nos.5 and 6 as hereunder:-

5.It is submitted that on 27.03.2018 notification was issued for direct appointment to the posts of Village Panchayat Secretary and the last date for submission of applications from eligible candidates was fixed as 11.04.2018. Thereafter, totally 54 applications were received. After that call letter for interview were sent to all the applicant, by the second respondent on 02.11.2018.

6.It is submitted that totally 11 applicants are participated in the interview held on 16.11.2018 out of which only 7 applicants signed the attendance register. After that the committee has scrutinized the application by considering the educational qualification, age, nativity, community wise and thereafter, the 3rd respondent was selected and she was appointed in the said post, vide



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order, dated 07.02.2019. Thereafter she joined the service on 19.02.2019 and she has been doing well till date since he joined the service.

7. Generally, in the matter of appointments, the view taken by the Selection Committee cannot be interfered with, because of the simple fact that the persons who are in the Selection Committee are supposed to be the right persons for selecting the eligible candidates for a particular post.

8. It is brought to the notice of this Court by the learned Additional Government Pleader appearing for the first respondent that the third respondent, who has been appointed as per the order of the first respondent/District Collector, dated 07.12.2019, is continuing to work as Secretary to Panchayat and she continues to serve till even today.

9. An individual can challenge the selection process on ground of malafide or other patent irregularities committed in the selection process. The judicial review of an administrative action will be justified in case of malafide (or) procedural irregularities alone. It is not the function of a Court of law, sitting in Writ Jurisdiction to convert itself into a Court of appeal over the decisions of the Selection Committee.



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10. In the instant case on hand, it is not explained to the satisfaction of this Court on behalf of the petitioner, with substantiate materials to show that there was a procedural irregularities taken place in the selection process.

11. The relief sought for in this petition cannot be granted solely on the ground that the petitioner is poor lady and she is residing with her widowed mother and the same cannot be reasons to declare the appointment of the third respondent as illegal. There is no merit in this writ petition and the same is liable to be dismissed.

12. In the result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
NCC : Yes / No
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M.JOTHIRAMAN,J.

gns

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