



W.P.(MD)No.5624 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

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THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.5624 of 2019

and

W.M.P.(MD)Nos.4452 & 4453 of 2019

E.G.Satheesh

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Special Officer-cum-BDO (Village Panchayat),
Thirupananthal Panchayat Union,
Thirupananthal-0612 504,
Thanjavur District.

3.The Executive Officer,
Manikudi Panchayat,
Thirupananthal Panchayat Union,
Thiruvidaimaruthur Taluk,
Thanjavur District.

4.Kalaithendral

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned selection of the fourth respondent in Na.Ka.No.1298/2018/Aa2 dated 28.02.2019 passed by the second respondent and quash the same as illegal and consequently direct the



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respondents 1 and 2 to appoint the petitioner as “Panchayat Board-Clerk” in the third respondent Village Panchayat, on the basis of the petitioner's representation dated 04.03.2019, within the time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan

For R1& R3 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

For R2 : Mr.A.K.Manikkam

For R4 : Mr.S.Veluchamy

ORDER

Under assail is selection of the fourth respondent as Panchayat Board-Clerk and consequently to direct the respondents 1 and 2 to appoint the petitioner as “Panchayat Board-Clerk” in the third respondent Village Panchayat, on the basis of the petitioner's representation dated 04.03.2019.

2.It is the case of the petitioner that he is an M.Com., graduate. In the month of April 2018, the first respondent called for the post of Panchayat Board-Clerk, within Thanjavur District. The second respondent herein invited applications for the post of Panchayat Board-



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Clerk within Thirupananthal Panchayat Union, Thanjavur District. The

petitioner and the fourth respondent were short-listed and both were called for interview, vide proceedings dated 19.04.2018. The petitioner was also attended interview and answered all the questions. Likewise, the fourth respondent also attended the interview. The fourth respondent is residing at Thirupananthal Village, which falls within the Thirupananthal Village Panchyat. The fourth respondent is not eligible, for want of jurisdiction/place of residence. The second respondent did not make any valid reasons for rejecting the petitioner and he is only an eligible candidate among other applicants. Hence, the writ petition.

3.The learned counsel appearing on behalf of the petitioner would submit that the second respondent has not followed the procedure while selecting the fourth respondent, as the person applying for the post should reside within the same Village Panchayat at the time of making application. The fourth respondent completely suppressed her present place of residence, in order to obtain the job. He would further submit that the second respondent committed a grave error in selecting the candidate, without looking into their own applications. The petitioner alone belongs to Manikudi Village Panchayat, as such the selection of



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the fourth respondent is not legally sustainable. He would also submit that the petitioner immediately preferred a representation dated 04.03.2019 before the first respondent narrating the entire facts and demanded for his intervention to conduct fair and proper selection and he prayed to allow this writ petition.

4.Per contra, the learned Additional Government Pleader appearing on behalf of the first and third respondents would submit that as per G.O.(Ms)No.72, dated 09.07.2013, the Director of Rural Development, Chennai has issued guidelines for filling up the vacant posts of Panchayat Secretaries. Consequently, public notice was issued on 21.03.2018 calling for applications for the appointment of Secretary of various Village Panchyats in Thirupananthal Panchayat Union. He would further submit that as per Rule of reservation, the post of Village Panchayat Secretary of Manikudi Village Panchayat was reserved for Most Backward Classes and Denotified community. The applicants were interviewed by the selection committee. After assessing the qualification of all the applicants, who have attended the personal interview, the selection committee has selected the fourth respondent as suitable person and consequently, she was appointed as Secretary of Manikudi Village



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Panchayat. He would further submit that the employment seniority is not the criteria for the appointment of the Village Panchayat Secretary. The selection was made according to the merit and ability during the interview conducted by the selection committee. The selection committee has also verified the certificates produced by the candidates, such as nativity certificate, employment registration card, etc. As per the documents, the fourth respondent is residing at Pillayarkoil Street, Ilanganur, Manikudi Village Panchayat. Therefore, the contention of the petitioner that the fourth respondent is not residing in Manikudi Panchayat is not correct and he prayed for dismissal of this writ petition.

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

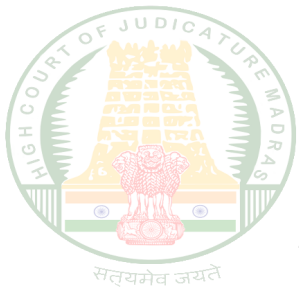
6.It is seen from the records that vide public notification dated 21.03.2018, applications were called for the appointment of Secretary of various Village Panchayats in Thirupananthal Panchayat Union. The date of interview was notified as 27.04.2018. The learned Additional Government Pleader would draw attention of this Court to the total number of applications received and the number of persons sponsored



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by the District Employment Officer, Thanjavur, interview card sent to eligible candidates, number of persons not participated in the interview, number of persons participated in the interview, which were clearly mentioned in the paragraph No.4 of the counter affidavit filed by the second respondent. He would draw attention of this Court to the selection committee consisting of the Block Development Officer (Block Panchayat), Block Development Officer (Village Panchayat), Zonal Deputy Block Development Officer. He would further draw attention of this Court with regard to the selection conducted by the selection committee, particularly, paragraph No.4 of the counter affidavit, which reads as follows:-

After assessing the qualification of all the applicants who have attended the personal interview, the Selection Committee has selected Tmt.Kalaithendral, the 4 respondent herein as the suitable person and consequently, she was appointed as the Secretary of Manikudi village Panchayat as per the orders of the 2nd respondent proceedings Rc. 1298/2018/ B2 Dated 28.2.2019 and she has also joined duty on 01.03.2019 and working as such till date. It is further submitted that the details of candidates appeared for interview and the name and address of persons selected for appointment and those applications rejected was notified in the Notice Board of the appointment 2nd respondent. It is



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submitted that after the appointment was made, the petitioner has given a representation on 4.3.2019 seeking for the appointment of the petitioner as the Panchayat Secretary for Manikudi Village Panchayat. While the matter stood, petitioner has filed this Writ petition challenging the selection and appointment of the 4th respondent as the Secretary of Manikudi Village Panchayat.

7.It is pertinent to mention that an individual can challenge the selection process on grounds 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. Generally, in the matter of appointments, the view taken by the Selection Committee cannot be interfered with, because the persons who are in Selection Committee are supposed to be the right persons for selecting the eligible candidates for a particular post.

8.Considering the very facts and circumstance of the case, the petitioner has not established his case that the selection and appointment made by the respondents 1 to 3 is not fair and proper. There is no merits in this writ petition and the same is liable to be dismissed.



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9.In the result, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No

Index : Yes / No

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M.JOTHIRAMAN, J.

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