



W.P.(MD)No.6080 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.6080 of 2019

and

WMP.(MD)Nos.4853 & 4854 of 2019

S.Geetha

... Petitioner

Vs.

1.The District Collector,
Tirunelveli,
Tirunelveli District.

2.The Special Officer / Block Development Officer,
(Village Panchayat),
Sankarankovil Village Panchayat,
Tirunelveli District.

3.A.Joshwa Vijayakumar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in Na.Ka.No.A3/394/2019 dated 07.03.2019 on the file of the second respondent and quash the same as illegal and consequently direct the second respondent to appoint the petitioner as a Panchayat Secretary with Perumpathur Panchyat, Sankarankovil Taluk, Tirunelveli District.



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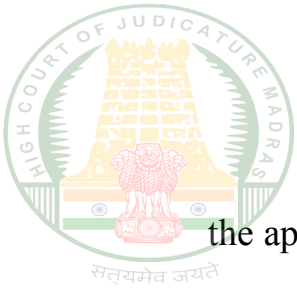
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For Petitioner : Mr.T.Thirumurugan
For R1 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.
For R2 : Mr.A.K.Baskarapandian
For R3 : Mr.S.Ramesh @ Ramiah

ORDER

Under assail is the appointment order dated 07.03.2019 issued in favour of the third respondent by the second respondent.

2.The case of the writ petitioner is that the petitioner belongs to Backward Caste community and completed SSLC in the year 2009. The petitioner had applied for the post of Panchayat Secretary for 8 panchayats, which comes under the control of the second respondent. The petitioner appeared for the interview on 05.09.2018 and as per knowledge of the writ petitioner, the first and second respondents have followed the mode of selection in the interview based on if the applicant residing in Local Panchayat, 10 marks will be awarded, if the applicant aged between 33-35 (BC/MBC/SC/ST), 10 marks will be awarded and if



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the applicant completed SSLC, 10 marks will be awarded. The petitioner have fulfilled the said three conditions. Per contra, the second respondent had issued the order impugned in favour of the third respondent appointing her as Panchayat Secretary, which is totally illegal. The third respondent is not a qualified person to accommodate the said post to compare with the petitioner. The third respondent is scored only 26 marks whereas the petitioner scored 30 marks in the interview. Hence, the third respondent is not an eligible person to accommodate in the post of Panchayat Secretary. Hence, the writ petition.

3.The learned counsel appearing for the petitioner would submit that the third respondent has scored only 26 marks and the petitioner was eligible to score 30 marks and therefore, she is the eligible person to accommodate in the post of Panchayat Secretary. He would submit that the first and second respondents are failed to consider the the petitioner's age and prayed to allow this writ petition.

4.Per contra, the learned counsel appearing for the second respondent would submit that as per the criteria prescribed in G.O.



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(Ms)No.72, Rural Development and Panchayat Raj (E5) Department

dated 09.07.2013, the Village Panchayat Secretary shall be appointed through appointment committee consisting of Personal Assistant (Development) to the Collector, Assistant Director (Panchayats) and Block Development Officer(V.P). The appointing authority for the post of Panchayat Secretary shall be the Personal Assistant (Development) to the Collector. He would submit that as per the notification issued by the first and second respondent, applications were received from the 28.03.2018 to 13.04.2018 by the Special Officer / Block Development Officer-Village Panchayat including petitioner. He would submit that out of 60 candidates, 45 candidates attended the interview including the third respondent and petitioner. Mere passing SSLC alone cannot be a vital qualification. In the interview, all aspects like basic knowledge about the functioning of village panchayat, handling public writing skill and computer knowledge had been taken into account by the selection committee. He would draw attention of this Court to the counter filed by the third respondent, more particularly, paragraph Nos.10 & 11. He would submit that the petitioner had passed in the Tamil subject paper in the third attempt in SSLC examination and completed the other subjects in four attempts. With this poor academic qualification, the petitioner



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was not performed well in the interview. Hence, the petitioner was not selected for the post by the selection committee. There is no procedural violation in conducting selection and prayed to dismiss the petitioner.

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

6.According to the petitioner, as per the mode of selection followed by the first and second respondents, she had fulfilled the criteria and she could have obtained 30 marks in the interview whereas the third respondent was secured only 26 marks. It is seen from the records that an advertisement published dated 27.03.2018. Based on the above notification, applications were received and the eligible candidates were called for from the District Employment Officer, as per G.O. (Ms)No.72, Rural Development and Panchayat Raj (E5) Department dated 09.07.2013. The petitioner has also submitted her details regarding her educational qualifications. It is relevant to extract the paragraph No. 12 of the counter affidavit filed by the second respondent as hereunder:-

12.It is submitted that the father of the petitioner Thiru.Chelliah is working as a Zonal Deputy Block Development Officer in Sankarankovil Block and he has



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given all official records to his daughter, the petitioner herein in illegal manner. Hence, the documents which were not communicated to the petitioner by officially cannot be considered as substantiated evidence. Further, it is submitted that the petitioner had performed poorly in the interview in all aspects as already mentioned in supra. Hence, the petitioner was not selected by the selection committee.

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. 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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9.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. There is no reason to interfere with the order impugned and the writ petition is liable to be dismissed.

10.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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