

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2016

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM
AND
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

Writ Appeal No.1596 of 2012
& M.P.No.1 of 2012

P.Manimozhi

.. Appellant

Vs.

1. Block Development Officer
Thilagadurugam Panchayat Union
Kallakurichi Taluk
Villupuram District
2. President
Eranji Village Panchayat
Kallakurichi Taluk
Villupuram District
3. State of Tamil Nadu
rep.by its Secretary to Government
Rural Development and Panchayat Raj Department
Secretariat,
Chennai 600 009

(3rd respondent impleaded as party respondent
vide order dated 9.12.2014 in M.P.No.1 of 2014) .. Respondents

WRIT APPEAL filed under Clause 15 of Letters Patent against the order
passed in W.P.No.6608 of 2004 dated 3.4.2012.

Writ Petition is filed u/a 226 of the Constitution of India,
seeking for a writ or certiorarified calling for the records
pertaining to the order passed by the 2 respondent in his proceedings
Na.Ka.Pa.2/657/04 dt.11.2.2004 and quash the same.

For Appellant : Mr.Vediappan for
M/s.CS Associates

For Respondents : Mr.P.Chinnadurai,
Government Advocate for R1 & R2
Mr.R.Ravichandran,
Additional Govt. Pleader for R3

J U D G M E N T

(Judgment of the Court was delivered by
A.SELVAM, J)

This writ appeal has been directed against the order dated 3.4.2012 passed in Writ Petition No.6608 of 2004 by the learned Single Judge of this Court.

2. The appellant/petitioner has been appointed as Part-time Clerk in Eranji Village Panchayat and subsequently he has been terminated from service and the same has been challenged by way of filing the writ petition No.6608 of 2004 on the file of this Court.

3. The learned Single Judge, after considering the contentions put forth on either side, has dismissed the writ petition. The order of the learned Single Judge is being challenged in the present writ appeal.

4. The learned counsel appearing for the appellant/petitioner has repeatedly contended that the appellant/petitioner has been appointed as part-time Clerk in Eranji Village Panchayat and all of a sudden, he has been terminated from service without assigning any proper reason and the same has been challenged in writ petition No.6608 of 2004, but the learned Single Judge, without considering the contentions put forth on the side of the appellant/petitioner, has erroneously dismissed the writ petition and therefore, the impugned order passed by the learned Single Judge is liable to be set aside.

5. Per contra, the learned Additional Government Pleader appearing for the third respondent has contended that the appellant/petitioner has got birth on 1.5.1965 and he has been appointed as part-time Clerk on 20.12.1999. Even on the date of appointment, he has attained 34 years of age. Under such circumstances, he has been terminated from service and the learned Single Judge, after considering the aforesaid factual aspects, has rightly dismissed the writ petition and therefore, the impugned order passed by the learned Single Judge does not require any interference.

6. It is an admitted fact that the appellant/petitioner has got birth on 1.5.1965 and he has been appointed as Part-time Clerk in Eranji Village Panchayat on 20.12.1999. Even on the date of appointment, he has attained the age of 34.

7. It is also an admitted fact that even as per age relaxation, the appellant/petitioner should have attained only 33 years of age. Since on the date of appointment, the appellant/petitioner has attained the age of 34, it is needless to say that the appointment itself is erroneous and therefore, the concerned authority has rightly terminated the appellant/petitioner from service.

8. The learned Single Judge, after considering the aforesaid factual aspects, has rightly dismissed the writ petition. In view of the discussions made earlier, this Court has not found any acceptable force in the contentions put forth on the side of the appellant/petitioner and altogether, the present writ appeal deserves to be dismissed.

In fine, the Writ Appeal is dismissed without cost. The order dated 3.4.2012 passed in Writ Petition No.6608 of 2004 by the learned Single Judge of this Court is confirmed. However, the third respondent is directed to consider the representation dated 9.12.2014 alleged to have been given by the appellant/petitioner as early as possible. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1. The Block Development Officer
Thilagadurugam Panchayat Union
Kallakurichi Taluk
Villupuram District
2. The President
Eranji Village Panchayat
Kallakurichi Taluk
Villupuram District
3. The Secretary to Government
State of Tamil Nadu
Rural Development and Panchayat Raj Department
Secretariat,
Chennai 600 009

+1 cc to Govt.Pleader,sr.41111

+1 cc to M/s.C.S.Associates,sr.41332

+1 cc to Mrs.A.Srijayanthi, advocate,sr.40760.

nrjk(co)
krd 4/8

W.A. No.1596 of 2012