

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P.No.3102 of 2013
and M.P.No.2 of 2013

Periyasamy

... Petitioner

...Vs...

1.The District Collector
Villupuram District
Villupuram

2.The Assistant Director (Panchayats)
Collectorate
Villupuram District
Villupuram

3.The Block Development Officer
Ulundurpet Union
Ulundurpet
Villupuram District

4.The President
Asanur Village Panchayat
Asanur,
Ulundurpet Taluk
Villupuram District.

5.Senthilkumar

... Respondents

Prayer:- This Writ Petition is filed, under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the rejection of Petitioner appointment as Panchayat Clerk dated Nil and the consequential proceedings in U.Ma.Tha.K.No.7/13 dated 04.01.2013 on the file of the 4th respondent and quash the same as illegal, incompetent and ultravires and consequently direct the respondents 1 to 4 to appoint petitioner in the post of Panchayat Clerk, Asanur Village, Ulundurpet Taluk, Villupuram District by considering Petitioner's representation dated 27.12.2012.

For Petitioner : Mr.R.Jayaprakash

For Respondents :
R1 to R4 : Mr.P.Siva Shanmuga Sundaram,
Spl.G.P.,
R5 : Mr.R.Raji for
M/s.S.Saravana Kumar

ORDER

The Petitioner has come forward with the present writ petition challenging the rejection of the Petitioner's application for the post of Panchayat Clerk and the consequential proceedings dated 04.01.2013 on the file of the 4th respondent and seeks to quash the same and consequently to direct the respondents 1 to 4 to appoint the petitioner in the post of Panchayat Clerk, Asanur Village, Ulundurpet Taluk, Villupuram District, by considering his representation dated 27.12.2012.

2. Heard both sides and perused the counter affidavit filed by the 3rd respondent. The Petitioner's date of birth is 04.01.1975 and he completed 37 years 11 months while he submitted his application for the post of Panchayat Clerk. The maximum age prescribed for the candidates who apply to the post of Panchayat Clerk is 33. On account of over age, the request of the petitioner was rejected by communication of the 4th respondent.

3. The learned counsel appearing for the 5th respondent would submit that the 5th respondent is a duly qualified candidate for the post of Panchayat Clerk and his application was considered and accordingly, he was appointed by proceedings dated 04.01.2013.

4. It is pointed out in the counter affidavit that according to the Petitioner, followed by Tom Tom (Tandora), he had applied for the post on 27.12.2013. As the maximum age limit prescribed for considering the application to the said post is 33 and that the petitioner who was over aged i.e., above 37 years at the time of submission of his application, his application was rightly rejected.

5. In view of the above facts and circumstances of the case, the Writ Petitioner is not entitled to the relief sought for in this Writ Petition. In my considered view, the rejection of Petitioner's application by the 4th respondent is perfectly valid and the appointment of the 5th respondent need not be interfered with.

6. With the above observation, the Writ Petition is dismissed. No costs. Consequently, connected MP is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector
Villupuram District
Villupuram.
- 2.The Assistant Director (Panchayats)
Collectorate
Villupuram District
Villupuram.
- 3.The Block Development Officer
Ulundurpet Union
Ulundurpet
Villupuram District.
- 4.The President
Asanur Village Panchayat
Asanur,
Ulundurpet Taluk
Villupuram District.

+1cc to Mr.R.Jayaprakash, Advocate Sr.45762
+1cc to Mr.S.Saravanakumar, Advocate Sr.45458
+1cc to the Government Pleader Sr.45825

pvs[co]
srg 8/07/2019

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