



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.9515 of 2021

and

W.M.P. (MD) No.7248 of 2021

WEB COPY

S.Xavier Thanarasu

... Petitioner

vs.

1.The District Collector
Pudukkottai

2.The Personal Assistant to District Collector
Pudukkottai

3.The Block Development Officer
(Village Panchayat)
Office of the Panchayat Union
Kunnandarkovil - Post
Kulathur Taluk
Pudukkottai District

4.The President
Vathanakurichi Village Panchayat
Thirumalarirayapuram - Post
Kulathur Taluk
Pudukkottai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records of the 3rd respondent in Na.Ka.Thi.3/0025/2020, dated 03.05.2021 and quash the same as illegal and arbitrary.

For Petitioner : Mr.Ganapathi Subramanian.P.

For Respondents : Mr.M.Ramesh

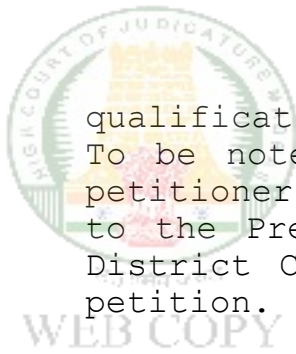
Government Advocate for R1 & R2

Mr.A.K.Manikkam

Special Government Pleader for R3 & R4

O R D E R

The impugned order dated 03.05.2021, passed by the third respondent, states that the petitioner has not passed SSLC, which is the requisite educational qualification prescribed for appointment to the post of Panchayat Secretary. In this regard, the respondents issued a letter to the petitioner stating that he should produce all the records to establish that he is possessing requisite educational



qualification, failing which appropriate actions will be initiated. To be noted, the impugned order was not even communicated to the petitioner. It was a letter sent by the Block Development Officer to the President of Panchayat Union and a copy was marked to the District Collector. While so, the petitioner has moved this writ petition.

2. Internal communication will not constitute a cause. If at all a notice has been issued to the petitioner or disciplinary action is initiated, he has to submit his defence / explanation with reference to the qualification acquired by him at the time of appointment as Panchayat Secretary. Contrarily, a writ petition cannot be entertained merely based on the internal communication between the Block Development Officer and the President of Panchayat Union in order to verify the educational qualification of the petitioner at the time of appointment. Thus, the petitioner is at liberty to defend his case in the manner known to law.

3. With the above clarification, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

- 1.The District Collector, Pudukkottai.
- 2.The Personal Assistant to District Collector,
Pudukkottai.
- 3.The Block Development Officer,
(Village Panchayat),
Office of the Panchayat Union,
Kunnandarkovil - Post, Kulathur Taluk,
Pudukkottai District.

+1 CC to M/s.SPL.GP (SR-16710[F] dated 05/04/2022)

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04.04.2022

RD(13.04.2022) 2P 5C