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W.P.No.2456 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.2456 of 2021

and

W.M.P.Nos.2772 & 2773 of 2021

G.Mayakannan
S/o.Gopal
No.1/99, Arunthathiyar Street
Jayakondam, Kumadimulai Post
Bhuvanagiri Taluk
Cuddalore 608601.

... Petitioner

/Vs/

1.The District Collector
Cuddalore District
Cuddalore

2.The Special Officer/Block Development Officer
Jayakondan Village Panchayat
Bhuvanagiri Taluk
Melbhuvanagiri
Cuddalore District

3.B.Saranya
D/o.M.Balaiya
No.B48, Arunthathiyar Street
Jayakondam, Kumadimulai Post
Cuddalore 608 601
Actually residing at
No.05, First Main Street
B2 Block, Neyveli Indira Nagar
Kurinjpadi, Cuddalore 607 801

... Respondents



W.P.No.2456 of 2021

Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of order of 2nd Respondent bearing proceedings in Na.Ka.No.52/698/2018, dated 28.11.2019 and quash the same and consequently direct the 1st and 2nd Respondents herein to appoint the Petitioner in the post of Village Panchayat Secretary, Jayakondam, Melbhuvanagiri Taluk, Cuddalore District.

For Petitioner : Mr.P.Suresh Babu

For Respondents : Mr.G.Nanmaran (for R1 & R2)
Special Government Pleader

Mr.C.Prakasam (for R3)

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus to call for the records of the 2nd Respondent bearing proceedings in Na.Ka.No.52/698/2018, dated 28.11.2019 and quash the same and consequently direct the 1st and 2nd Respondents to appoint the Petitioner in the post of Village Panchayat Secretary, Jayakondam, Melbhuvanagiri Taluk, Cuddalore District.

2. The Petitioner has filed this Petition challenging the appointment of the third Respondent to the post of Panchayat Secretary. According to him, the



W.P.No.2456 of 2021

third Respondent has secured the employment by forgery and misrepresentation. One of the condition for appointment is that the candidate should be a local resident and residence certificates has to be submitted in this regard.

3. Heard Mr.P.Suresh Babu, learned counsel for the Petitioner, Mr.G.Nanmaran, learned Special Government Pleader appearing on behalf of Respondents 1 & 2 and Mr.C.Prakasam, learned counsel appearing on behalf of the third Respondent.

4. Mr.P.Suresh Babu, for the Petitioner submitted that the third Respondent is not a resident of Jayakondam and among the applicants who applied for the post, the Petitioner alone is the eligible person because of his permanent residence at Jayakondam. It is further submitted that as per the employment exchange registration roster, the petitioner is the senior and the third Respondent is much junior and she had registered in the Employment Exchange only for the purpose of this post.

5. However, the terms of appointment just needs a sponsorship from the employment exchange and there is no compulsion that the senior most person



W.P.No.2456 of 2021

so sponsored should be selected. But, while sponsoring the individuals registered with the employment exchange, a person who has registered earlier and waiting should not be bypassed for the purpose of sponsoring a person who had registered later. In the case in hand, both the petitioner and the third respondent have been sponsored and hence there can not be any grievance in this regard.

6. It is claimed by the Petitioner that the third respondent who had been living in Jayakondam had shifted her residence to her husband's place after her marriage and hence she could not be considered as a person residing at Jayakondam. It is submitted that the petitioner is the neighbour of the third Respondent's parents house and hence he is aware of the fact that the third Respondent had moved to her husband's place after marriage.

7. Jayakondam is the native place of the third Respondent and she is born and brought up in Jayakondam and her parents family is permanently residing at Jayakondam. A married woman though ordinarily lives at her husband's place, cannot be presumed to have disowned her residential rights at her parents' house on account of her marriage. For the purpose of getting a separate ration card after her marriage her name would have got deleted from



W.P.No.2456 of 2021

her parents' ration card and included in her husband's ration card. With that alone it can not be said that a married woman had severed her ties with her parents' place and her residential status in respect of her parent's house has come to a closure once and for all. The rules of marriage do not impose any such condition on a woman.

8. It is not the contention of the petitioner that the third respondent's natal family had uprooted from Jayakondam and they have established their residence elsewhere. The parents of the third Respondent are still in Jayakondam and the third respondent has every right to visit or stay with her parents at Jayakondam at her own convenience or choice. The third respondent has got her roots at Jayakondam and that is not denied by the petitioner. While so, he cannot perceive the third respondent as a stranger to her natal family and say that she can not claim any residential status at Jayakondam in view of her marriage.

9. In today's world, men and women go to several places for the sake of education or occupation, but still consider their native place as their permanent residence. There is a notion that a married woman completely abandons her native place and assumes her husband's place as her only place of residence. If



W.P.No.2456 of 2021

a married woman chooses to live between her natal home and marital home on account of her employment, business or otherwise nothing can prevent her to exercise her option. To retain or waive the native address is at the will of a married woman or her family members in certain circumstances. The will of a woman coupled with the existence of a physical body like a house at her parent's place, in which she opts to live either by exercising her right or by obtaining consent/permission, is itself sufficient to provide her with a residential certificate relating to that place.

10. The very object of insisting the local residence certificate for the post of the Panchayat Secretary is to ensure the immediate availability of the secretary in order to handle any sudden official urgency. It is also with a view that a person who is locally placed can have a better acquaintance with the local populace; He/She can also be aware of the local needs, problems and all connected situations in order to give a better contribution.

11. The third Respondent has produced the exchange of legal notices between herself and her husband and submitted that there is an ongoing marital discord between themselves. The above facts are completely personal to the petitioner and she should not have driven to such compulsion of revealing these



W.P.No.2456 of 2021

private facts about herself for the sake of this Petition. A woman would turn out to her parental abode for any good or bad reasons and some times she would even prefer to stay there for any period of her choice with an understanding with her parental home inmates. A choice and will of a woman to exercise residential choice at her natal home should not be viewed through patriarchal prism in order to deny her the residential status there.

12. So far as the Government Respondents 1 to 2 are concerned, they did not have any objection to the certificates produced by the third Respondent. According to them, the documents filed by the third Respondent are genuine and they are not the products of forgery or misrepresentation. The Petitioner has his own adverse idea about the entitlement of residential status of the petitioner at her parents' house. With that adversity in mind, this petition has been filed and which in my opinion does not have any merits.

In the result, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

30.10.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order
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W.P.No.2456 of 2021

R.N.MANJULA, J.

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To

1.The District Collector
Cuddalore District
Cuddalore

2.The Special Officer/Block Development Officer
Jayakondan Village Panchayat
Bhuvanagiri Taluk
Melbhuvanagiri
Cuddalore District

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