



W.P.No.4037 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.4037 of 2021

R. Balakrishnan

... Petitioner

Vs.

1. The District Collector,
Collectorate Buildings,
Coimbatore.

2. The President
Servakaranpalayam Panchayat
Pollachi North Union,
Pollachi Taluk,
Coimbatore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 04.02.2021 seeking to follow the rule of reservation and communal rotation while filling up the post of the Secretary in the light of sub-section 3 of Section 3 of the Tamil Nadu Village Panchayat Secretaries (conditions of service) Rules, 2013.



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For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.A.M.Ayyadurai
Government Advocate for R1
Mr.R.Ramesh for R2

ORDER

The petitioner has filed this petition seeking direction to the 1st respondent to consider the representation of the petitioner dated 04.02.2021 seeking to follow the rule of reservation and communal rotation while filling up the post of the Secretary in the light of sub-section 3 of Section 3 of the Tamil Nadu Village Panchayat Secretaries (conditions of service) Rules, 2013.

2. The case of the petitioner is that in Servaikaran Panchayat more than 3000 persons belong to Hindu community, 750 persons belong to Muslim community, 150 persons belong to Christian community and about 20 families belongs to SC community. However, for the post of Secretary the first respondent was doing arrangements for appointment to the said post without even changing the community roster system and appointing the



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persons who belong to Muslim community namely Asif Ali, Shanthu Mohammed, Mugi, Karim for the past 40 years without even following the communal roster. Hence the petitioner made a representation dated 04.02.2021 to follow the rule of reservation and the same ended in vein. Aggrieved over the same, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the first respondent to consider the petitioner's representation dated 04.02.2021 and pass appropriate orders on merits, within a particular time frame to be fixed by this Court.

4. The learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent submitted that they have no objection for the said order being passed by this Court.

5. Heard the learned counsel on either side and perused the materials



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available on record.

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6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 04.02.2021 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above observation and direction. No costs.

24.08.2023

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Index : Yes/No

Speaking Order : Yes/No



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J. SATHYA NARAYANA PRASAD, J.

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To:

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Collectorate Buildings,
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