



W.P.No.14185 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 18.08.2023

PRONOUNCED ON : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.14185 of 2021

Suresh.C

... Petitioner

VS

1.The District Collector,
Thiruvarur District.

2.The Block Development Officer,
Nannilam Union,
Thiruvarur Taluk.

3.The President,
Magzhancheri Village,
Nannilam Union,
Thiruvaru District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent to immediately issue an order of appointment as a Panchayat Secretary to the petitioner in accordance of the resolution passed by the Panchayat Board Resolution dated 10.06.2021.



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For Petitioner : Mr.V.Dinesh Raja

For R1 & R2 : Mr.J.C.Durairaj,
Addl.Govt.Pleader.

For R3 : Mr.A.Raja Mohamed

ORDER

The petitioner has filed this writ petition for a writ of Mandamus to direct the third respondent to issue an order of appointment to the petitioner as the Village Panchayat Secretary of the third respondent, President, Magzhancheri Village, Nannilam Union, Thiruvarur District pursuant to Panchayat Board Resolution dated 20.06.2021.

2. The petitioner, an Ex-service man filed an application on 15.11.2019 in response to Notice dated 09.11.2019 issued by the Block Development Officer, Nanninalam Union for the post of Village Panchayat Secretary.



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3. The petitioner was short listed as a candidate fit for being appointed. An interview letter dated 03.10.2020 was issued by the Pranchayat President, Mazhancheri Village to the petitioner. A resolution was also passed on 10.06.2021 by the Members of the Panchayat for selecting and appointing the petitioner as a Village Panchayat Secretary under the Category Reserved for Ex-service man.

4. It is the case of the petitioner that despite the same, the respondents have refused to issue appointment order to the petitioner to the post of Village Panchayat Secretary.

5. The writ petition is opposed by the third respondent on the ground that the petitioner was aged about 37 years and was therefore not eligible to apply to the post of a Village Panchayat Secretary in terms of Notification bearing Reference No.191/2019A1 dated 09.11.2019 of the second respondent.



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6. That apart, it is submitted that the petitioner was not the resident of the Mazhizhancheri Village, Nannilam Union, Thiruvarur District and therefore the petitioner was not entitled to file application and therefore the third respondent has not issued appointment order to the petitioner for the post of Village Panchayat Secretary.

7. In this connection, the learned counsel for the third respondent has drawn attention to pension book of the petitioner wherein the petitioner has given his address as No.113/C, Durgalaya Road, Avvai Nagar, South “ Vill South Sethi, Tiruvarur PO, Thiruvarur District, whereas, in the application filed in response to Notification dated 09.01.2019, the address given is No.147, Mazhizhancheri Village, Nannilam Union, Thiruvarur District.

8. The respondents in the counter have stated that the petitioner has given a false address while filing application on 14.11.2019 and during verification it was ascertained that the petitioner was not a



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resident of Mazhizhancheri Village although a resolution dated 10.06.2021 was passed by the Panchayat to appoint the petitioner as a Village Panchayat Secretar.

9. It is the further case of the respondents that the petitioner colluded with Village Administrative Officer and has produced forged document and later has issued a false certificate to the petitioner as if he is residing in the same village.

10. In para 9 of the counter affidavit, the third respondent has further stated that in the address given in the application and in the Aadhar card, house belongs to one Mr.Rajendran and his wife who are shown as permanent residents of the address and they had obtained also furnished clarification letter together with Family Ration Card, Aadhar Card , Voter Id and Tax Receipt for the Assessment year 2017-18 as the proof of address and the same was confirmed in the Village Revenue ledger.



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11. It is the further case of the third respondent that although five out of six ward members of Village Panchayat recommended to the appointment of the petitioner as the Village Panchayat Secretary, the third respondent being a law abiding citizen found that the petitioner had filed fake documents and applied for the said vacancy and thus refused to approve the resolution dated 10.06.2021.

12. It is the case of the third respondent that the petitioner has committed forgery to get the job and is therefore punishable in accordance with law.

13. It is the further case of the third respondent that the petitioner violated the provisions of the Tamil Nadu Panchayat Rules. A specific reference is made to Rule 5(ii) of the Tamil Nadu Village Panchayat Secretaries (conditions of Service) Rules, 2013, as per which, an applicant should be a resident of the village. It is submitted that the search revealed that the petitioner is not eligible to appointment in the



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said vacancy as he is not a resident.

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14. He further submits that the petitioner was initially selected as Village Panchayat Secretary of Mahizhancheri Village. Subsequently, it was brought to the notice of the petitioner has furnished a forged and fabricated certificate of residence. Hence, the third respondent has refused to approve the resolution dated 10.06.2021 for appointing the petitioner as Village Panchayat Secretary. Therefore, the 3rd respondent has not issued the order of appointment in favour of the petitioner.

15. It is submitted that the petitioner is not a resident of No.147, Mazhizhancheri Village, Nannilam Union, Thiruvarur District and has given fictitious place of residence in the application. Therefore, there is no merits in the present writ petition.

16. By way of re-joinder, the learned counsel for the petitioner has drawn attention to copy of the Aadhar card of the petitioner containing the address in the application stated that the petitioner was the resident at



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No.147, Mazhizhancheri Village, Nannilam Union, Thiruvarur District.

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17. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 and 2 and the learned counsel for the third respondent.

18. I have also perused the counter filed by the third respondent. The petitioner has filed copy of the additional typed set of documents. The petitioner has enclosed a copy of the statement before the second respondent, Block Development Officer, Nannilam.

19. Notice issued by the second respondent for appointing Village Panchayat Secretary on 09.11.2019 has given the eligibility criteria for open category (a) and age relaxation for Ex-service man upto 48 years.

20. As per Rule 5(2) of Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013, published in



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G.O.Ms.No.72 Rural Development & Panchayat Raj(E5) Department

dated 09.07.2013, no person shall be eligible to be appeared unless he/she is a resident of the Village Panchayat concerned. Relevant portion of the rules reads as under:-

- i. No person is eligible if he/she not completed 18 years or will complete 30 years of age on the first day of July of the year in which the selection for appointment to the post is made;
- ii. No person shall be eligible for appointment to the post, if he/she not passed SSLC;
- iii. No person shall be eligible unless/he/she is a resident of the Village Panchayat concerned;
- iv. For the candidates belonging to BC/MBC/SC/ST, the upper age limit is 35 years.”

21. The Director of Rural Development, Chennai has also issued guidelines for filling up the vacant posts of Village Panchayat Secretary. Consequently, a public notice was issued on 09.12.2019 calling for applications for the appointment of Village Panchayat Secretary of Mahizhancheri Village at the official website (www.tiruvarur.nic.in).



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22. The criteria No.5, in the notification read as under:-

Criteria No.5 of the Notification dated 09.11.2019	
English	Tamil
If the eligible applicant is not available within the Panchayat, then the eligible applicant of the adjoining Panchayat can be considered .	தகுதியான விண்ணப்பதாரர் சம்பந்தப்பட்ட ஊராட்சியில் இல்லாவிட்டால் அவ்ஊராட்சியின் எல்லையை ஒட்டிய ஊராட்சியிலிருந்து விண்ணப்பிக்கும் தகுதி வாய்ந்த நபர்கள் பரிசீலனை செய்யப்படுவர்.

23. As per the rule of reservation; the post of Village Panchayat Secretary of Mahizhancheri Village Panchayat was notified as General Turn, priority category of “Ex-servicemen”. Simultaneously, list of suitable candidates were also called from the District Employment Officer, Thiruvarur.

24. The petitioner had made a online application dated 14.11.2019. In it, the petitioner has given to address of residence of the petitioner at No.147, Mazhizhancheri Village, Nannilam Union, Thiruvarur District. The Aadhar Card obtained by the petitioner which



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was filed by the petitioner has also given the same address.

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25. The pension papers and other documents of the petitioner contain the details of permanent address of the petitioner. It reads as follows :-

*“Vill South Sethi,
Tiruvvarur PO,
Thiruvvarur District”*

26. The ID card of the petitioner dated 10.01.2018 also bears the above address. The address given by the petitioner in the application reads as under:-

*“No.147, Neelathankarai Street,
Mazhancheri, Panangudi,
Nannilam”*

27. Due to the State imposed lock down, the selection process was not completed. Subsequently, the date of interview was notified as 15.10.2020. The total Number of applications received directly in respect of Mahizhancheri Village Panchayat and the Number of candidates



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sponsored by the District Employment Officer, Thiruvavur are as follows:-

- No. Of applications received Directly – 34
- No.of persons sponsored by the District Employment Officer-00

Total 34

- No.of applicants participated in the interview-17
- No.of person ineligible (doesn't come under reserved category)-14
- No. of applicants belongs to CRPF(Not ex-servicemen)-02
- No.of applicant belongs to Ex-servicemen-01

28. The petitioner has also filed enclosed a copy of the reply of the Deputy Block Development Officer by letter dated 26.07.2021 which confirms the address of the petitioner given in the aadhar card.

29. The petitioner was one of the applicant for the post of Village Panchayat Secretary of Mahizhancheri Village Panchayat under the quota for Ex-servicemen. The petitioner has not made correct declaration.



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30. Thus, the petitioner has not satisfied the age criteria as on the date of the application, as the petitioner was aged about 37 years on the date of application.

31. The petitioner has applied for Aadhar card with the address given in the application only on 14.11.2019 i.e. the date of application. The Aadhar card was issued to the petitioner *Post facto* on 29.11.2019 after the petitioner filed the application on 14.11.2019 as is evident from a reading of the Aadhar card.

32. Aadhar card were being given based on the address furnished by the applicants. Thus, it is evident that the petitioner has filed an application for Aadhar card by giving wrong address. The petitioner has later got Aadhar Card with the above address given in the application. Therefore, the application of the petitioner ought not have been entertained as the petitioner was not a resident of No.147, Neelathankarai



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Street, Mazhancheri, Panangudi, Nannilam, but a resident of “ Vill South
Sethi, Tiruvarur PO, Thiruvarur District on 14.11.2019.

33. Therefore, there is no merits in the present writ petition. It is
therefore liable to be dismissed and accordingly it is dismissed.

08.09.2023

Index : Yes/No

Neutral Citation : Yes/No

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To

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Thiruvarur Taluk.
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C.SARAVANAN, J.

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Pre-delivery Order in
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