



W.P.No.24072 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.24072 of 2011

R.Vinayaga Murugan

...Petitioner

Vs.

1.State of Tamil Nadu
by the Secretary to Government,
Rural Development (E5) Department,
Secretariat, Chennai – 9.

2.The District Collector,
Collectorate, Cuddalore,
Cuddalore District.

3.The Block Development Officer,
(Village Panchayat),
Parangipettai Panchayat Union,
Cuddalore District.

4.Sendhirakillai Panchayat
Rep.by the President,
Sendhirakillai Panchayat,
Paragipettai Panchayat Union,
Cuddalore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent in connection with the order passed by him



W.P.No.24072 of 2011

in his Proc.Na.Ka.No. A2/4998/08, dated nil, February 2011, signed on 24.02.2011 and quash the same to the extent of the petitioner only and direct the respondents to reinstate the petitioner in service with all monetary and service benefits by relaxing the condition of SSLC pass qualification in favour of the petitioner stipulated in G.O.(MS) 245, Rural Development (E5) Department dated 04.08.97 under Rule 48 of the Tamilnadu State and Subordinate Service Rules.

For Petitioner : Mr.R.Thayumanavan
for Ms.M.Srividhya

For R1, R2 & R4 : Mr.T.M.Rajangam
Government Advocate

For R3 : Mr.R.J.Radhika

ORDER

This writ petition has been filed to call for the records on the file of the 3rd respondent in connection with the order passed by him in his Proc.Na.Ka.No. A2/4998/08, dated nil, February 2011, signed on 24.02.2011 and quash the same to the extent of the petitioner only and direct the respondents to reinstate the petitioner in service with all monetary and service benefits by relaxing the condition of SSLC pass qualification in favour of the petitioner stipulated in G.O.(MS) 245, Rural Development (E5) Department dated 04.08.97 under Rule 48 of the Tamil Nadu State and Subordinate Service Rules.



W.P.No.24072 of 2011

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2.It is the submission of the learned counsel for the petitioner that petitioner was appointed to the post of Panchayat Assistant by direct recruitment. At the time of his appointment, he disclosed that he did not pass 10th standard. However, on the instructions from the District Collector, Cuddalore, dated 07.02.2011, his service had been terminated by an order passed by the Block Development Officer, dated 24.02.2011. The District Collector passed an order on the basis of the G.O.(Ms)No.245, Rural Development (E5) Department, dated 04.08.97, which states that the part time Panchayat Assistant should have passed SSLC and should not have completed 28 years. He further submitted that petitioner was not aware of the fact that he is required to pass SSLC. In fact, he informed to the authorities at the time of his appointment that he did not pass 10th standard. In the said circumstances, this writ petition is filed.

3.In response, the learned counsel for R1, R2 & R4 submitted that petitioner was dead on 06.06.2021 and he is no more and nothing survives in this writ petition.



W.P.No.24072 of 2011

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4.The learned counsel for the third respondent submitted that petitioner had suppressed his qualification and he was wrongly appointed by the then Panchayat President without having the required qualification, i.e., pass in SSLC. This came to light when the panel was prepared for the post of Junior Assistant among the Panchayat Assistants under 20% reservation by the Government in G.O.Ms.No.20 Rural Development and Panchayat Raj (E7) Department, dated 25.01.2008. Only then he was terminated from service.

5.Considered the rival submissions and perused the records.

6.This petition is filed to set aside the order issued for terminating the petitioner from service and for the relief of reinstatement with all attendant benefits. However, from the copy of the death certificate produced by the learned counsel for the respondent 1, 2 & 4, it is clearly established that petitioner was dead on 06.06.2021. That apart, on merits also this Court finds that there is no merit in this writ petition. The reason is that without having required qualification i.e., pass in SSLC, petitioner was appointed to the post of Panchayat Assistant. That came



W.P.No.24072 of 2011

to light only when the panel for the post of Junior Assistant was prepared. It is found that he was wrongly, rather irregularly appointed without the requisite qualification and therefore, he was terminated.

7.In this view of the matter, this Court finds that there is no merit in writ petition and therefore, this writ petition is dismissed on merits and on the ground of abatement.

8.Accordingly, this writ petition is dismissed as abated. No costs. Consequently, connected miscellaneous petition, if any, is also closed.

05.03.2024

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

NCC: Yes/No



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W.P.No.24072 of 2011

G.CHANDRASEKHARAN, J.

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To:

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