



W.P.No.9165 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.9165 of 2020

G.Gowtham

...Petitioner

-Vs-

- 1.The District Collector,
Tiruppur District,
Tiruppur.
- 2.The Assistant Director of Panchayats,
Tiruppur.
- 3.The Block Development Officer,
Palladam Panchayat Union,
Palladam,
Tiruppur District.
- 4.Semmipalayam Village Panchayat,
Rep. by its President/Executive Authority,
Palladam Panchayat Union,
Tiruppur District.
- 5.K.C.Nehru,
Panchayat Secretary,
Arumuthampalayam Panchayat,
Palladam Panchayat Union,
Tiruppur District.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.831/2018/B2 dated 15.11.2019 on the file of the 3rd respondent and the consequential order in Na.Ka.No.508/2017/B2 dated 22.11.2019 on the file of the 3rd respondent and quash the same; consequently, direct respondents 1 and 3 to select and appoint the petitioner as Panchayat Secretary of Semmipalayam, by restoring its vacancy as on the date recruitment by passing suitable orders, within a reasonable time to be fixed by this Court and pass such further orders.

For Petitioner : Mr.P.Rajavelu

For R1 to R4 : Mr.P.Ganesan
Government Advocate

For R5 : Mr.T.Nixon

ORDER

This writ petition has been filed to quash the impugned orders in Na.Ka.No.831/2018/B2 dated 15.11.2019 on the file of the 3rd respondent and the consequential order in Na.Ka.No.508/2017/B2 dated 22.11.2019 on the file of the 3rd respondent and thereby directing respondents 1 and 3 to select and appoint the petitioner as Panchayat Secretary of Semmipalayam, by restoring its vacancy as on the date of recruitment by passing suitable orders.



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2. The petitioner submitted his application to the office of the 3rd respondent based on a notification calling for applications for the recruitment to the post of Village Panchayat Secretary in Tiruppur District, including for the 4th Respondent Village Panchayat, viz., Semmipalayam Panchayat.

3. An interview letter dated 15.10.2018 was sent to the petitioner calling him to appear for an interview on 29.10.2018 at the office of the 3rd Respondent along with the required documents. The petitioner appeared for an interview before the 3rd Respondent and submitted all the required certificates. The 3rd respondent vide his proceedings dated 15.11.2019 appointed the 5th respondent to the post of Panchayat Secretary of Semmipalayam Village Panchayat and was subsequently transferred vide proceedings dated 22.11.2019.

4. Learned counsel appearing for the petitioner would submit that the 5th Respondent, who is not a resident of Semmipalayam village, but by fabricating records as to his residence, participated in the interview as if he was a resident of Semmipalayam Village to claim eligibility to consider his candidature for the post of Panchayat Secretary of Semmipalayam Village



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Panchayat, as the resident of the same village is the primary requirement to apply for the said post as per the Rules.

5. It is submitted that the 5th Respondent hails from Dharmapuri District and resides at Sabari Nagar in Arumuthampalayam in the Palladam Panchayat Union. He bogusly created an Aadhaar card with the address of former Panchayat President, V.Ponnusamy, falsely giving his address as the residential address of the 5th Respondent and by using the same, he submitted the application for the job, which is totally fraudulent and illegal.

6. Learned counsel would further submit that various complaints and representations were given in this regard by the public and by a former President of Semmipalayam Village with adequate proof to the District Collector and all authorities even before the process of appointment was over. After getting the entire details under the Right to Information Act to substantiate his accusations, the petitioner has come up with the present writ petition.

7. A counter affidavit was filed on behalf of the third respondent dated 20.08.2020.



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8. Learned Government Advocate appearing for respondents 1 to 4

would submit that pursuant to the order passed by this Court on 15.11.2024, he produced a copy of the written instructions of the BDO (Village Panchayat), Palladam, vide Na.Ka.No.2895/2024/A3 dated 29.11.2024, wherein the details of the applicants/candidates were furnished and in which the serial number of the petitioner is mentioned as “S.No.7-G.Gowtham, 2/314 Semmipalayam” and for the 5th respondent, it is mentioned as “S.No.14-K.C.Nehru, 2/434 Semmipalayam” and in both address columns, the village is mentioned as “Semmpalayam Village”.

9. He further submitted that even in the District Employment Office register in Tiruppur District dated 11.05.2018, the 5th respondent is at S.No.3, and his address is mentioned as follows:

Sl.No.	REGISTRATION NUMBER	NAME & ADDRESS	COMMUNITY
3	TPD2018M00000775	C.NEHRU, S/O.CHINNAPAN 2/434 SEMMIPALAYAM KUPPUSAMY NAIDUPURAM PO PALLADAM TK TIRUPPUR DT- TIRUPPUR – 641 664.	MBC/DNC

10. Learned Government Advocate submitted that a call letter was also sent to the 5th respondent, who is at S.No.22, and his address is



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mentioned as “Thiru.K.C.Nehru, 2/434 Semmipalayam, Kuppusamy Naidupuram – 641 662”, and the petitioner's name is at S.No.43, and his address is mentioned as “Thiru.G.Gowtham, 2/314, Semmipalayam Pudur, Sukkampalayam – 641 662”. The 5th respondent, viz., Thiru.C.Nehru, was appointed by the Special Officer of Semmipalayam Panchayat / Block Development Officer (KO), Palladam, vide proceedings Na.Ka.No.831/2018/A2 dated 15.11.2019.

11. Heard both sides and perused the materials available on record.

12. In the case on hand, the main contention of the petitioner is that the petitioner belongs to Semmipalayam Village, whereas the fifth respondent appointed to the post of Panchayat Secretary does not belong to the same place, and he belongs to Arumuthampalayam in Palladam Panchayat Union.

13. In this regard, as directed by this Court, the respondents have submitted the details of the applications submitted by the petitioner as well as the fifth respondent, District Employment Office, registered in the



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Tiruppur District, dated 11.05.2018, the details of the call letter sent to the petitioner and the 5th respondent, the appointment order issued to the fifth respondent. In all these documents the village of the 5th respondent is mentioned as Semmipalayam Village Panchayat. **Hence it is crystal clear and evident that the petitioner and the 5th respondent belong to the same village, and there is no dispute in this regard.**

14. In view of the above facts and circumstances of the case, this Court is not inclined to interfere with the impugned orders passed by the third respondent in Na.Ka.No.831/2018/B2 dated 15.11.2019 and the consequential order in Na.Ka.No.508/2017/B2 dated 22.11.2019 and the same are liable to be confirmed, accordingly the same is confirmed.

In the result, **the writ petition stands dismissed with the above observations.** No costs.

11.12.2024

cda

Index : Yes / No

Speaking/Non Speaking order



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J.SATHYA NARAYANA PRASAD, J.

cda

To

- 1.The District Collector,
Tiruppur District,
Tiruppur.
- 2.The Assistant Director of Panchayats,
Tiruppur.
- 3.The Block Development Officer,
Palladam Panchayat Union,
Palladam,
Tiruppur District.
- 4.The President/Executive Authority,
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