



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.14652 of 2020

and

W.M.P.Nos.18210 and 18211 of 2020

A.Santhosam

.. Petitioner

Vs.

The Block Development Officer
Cuddlaore Zone,
Cuddalore District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the respondent in its proceedings in Na.Ka.Na.AA4/922/2018 dated 08.11.2019 and to quash the same.

For Petitioner

.. Ms.A.Ajimath Begum

For Respondent

.. Mr.S.J.Mohamed Sathik,
Government Advocate.



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ORDER

This writ petition has been filed in the nature of a Certiorari calling for the records of an order passed by the respondent, Block Development Officer, Cuddalore District, in proceedings in Na.Ka.Na.AA4/922/2018 dated 18.11.2019 and to quash the same.

2.The writ petitioner is the president of Naduveerapattu Panchayat in Cuddalore District. According to him, there was one vacancy in the post of Panchayat Secretary in the Panchayat, in which he is the President. The respondent had called for filling up the said post, by a notification which is now impugned in the writ petition. The notification was also published in the newspaper on 08.11.2019. The writ petition has been filed ostentatiously to appoint one of his own kith or kin or any known person as Panchayat Secretary. That is impermissible.

3.On the side of the respondent, the gazette publication relating to G.O.Ms.No.113, Rural Development and Panchayat Raj (E5) dated 13.09.2023 had been forwarded, in which, extensive Rules had been made



relating to appointment of panchayat secretary. The Rule Nos. 3 and 4 are as follows:

“3.Appointment:- (i) Appointment of the post of Village Panchayat Secretary shall be selected through a open competitive recruitment process.

(ii) The recruitment shall be done by a District Level Committee chaired by the District Collector and consisting of Project Director/Additional Collector (Development), District Rural Development Agency, Assistant Director (Panchayats) and Personal Assistant to Collector (Development) as its members.

(iii) The recruitment shall be done in the manner as may be ordered by the Government.

(iv) The selection so made shall be placed in the Village Panchayat meeting and appointment shall be made by the Executive Authority of the Village Panchayat.

(v) The Village Panchayat Secretary shall reside in the respective Village Panchayat.

(3)The principle of reservation as provided in Section 27 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil Nadu Act 14 of 2016) shall apply for appointment to the post.

4.Appointing auhtority:- The appointing authority for the post of Village Panchayat Secretary shall be the Executive



authority of the Village Panchayat.”

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4.Rule No.5 also gives the qualification for a person to be so appointed as Panchayat Secretary. The stipulations relating to the period of service has also been given in the Government order. Once this Government order is passed, the petitioner will have to abide by same and he cannot take the issue in his own hands and seek that appointment must be made according to his own free will. The Writ Petition lacks bonafide. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

5.A direction is given to the respondent to follow the Government order in the matter of appointment.

06.11.2024

Index: Yes/No
Internet: Yes/No
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To
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The Block Development Officer
Cuddalore Zone,
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C.V.KARTHIKEYAN,J.

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