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W.P.No.5926 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

W.P.No.5926 of 2021
and W.M.P.No.6556 of 2021

N.Annapoorani

...Petitioner

vs.

1. The Director,
Rural Development and Panchayat Union,
Panagal Building,
Saidapet, Chennai – 600 015
2. The District Collector,
Erode District, Erode.
3. The Special Officer/Block Development Officer,
O/o The Panchayat Union,
Gobichettipalayam Post,
Erode District.

4. Durgadevi

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance Certiorarified Mandamus, calling for the records of the respondent in his proceedings in Na.Ka.No.1080/2018/AA2 dated 08.02.2019 quash the same and consequently direct the respondents to appoint me as Panchayat Secretary for the Perunthalaiyur Village.



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For Petitioner : Mr.S.P.Yuaraj
For Respondents : Mr.R.U.Dinesh Rajkumar
AGP for R1 and R2
: Mr.R.S.Selvam for R3
: Mr.J.Pradeep for R4

ORDER

This writ petition has been filed for quashment of proceedings in Na.Ka.No.1080/2018/AA2 dated 08.02.2019 and consequently, to direct the respondents to appoint the petitioner as Panchayat Secretary for the Perunthalaiyur Village.

2. The case of the petitioner is that he, who is a disabled person residing at Mariamman Kovil Street, Perunthalaiyur, Bhavani Taluk, Erode District, studied up to 12th standard (fail). She applied for the post of Panchayat Secretary in the Perunthalaiyur Panchayat Union as per the notification dated 24.03.2018 issued by the 2nd respondent. The petitioner possessed all the requisite and prescribed qualifications for the said post and she was invited for an interview and certificate verification on 14.09.2018 by the 3rd respondent vide letter dated 31.08.2018. However, the respondents selected the 4th respondent, who allegedly provided a bogus address and was found to be



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residing with her husband at P.Mettupalayam village Panchayat. The 4th respondent fraudulently provided the Aadhar card and Ration card with an old address, thereby obtaining the job. Moreover, she is an overqualified person, having completed a degree. Thereafter, the petitioner submitted a representation to the respondents 1 to 3 on 18.08.2020, requesting for cancellation of the allegedly illegal appointment of the 4th respondent and to appoint the petitioner to the post of Panchayat Secretary. Since there was no response, the petitioner has filed the present petition.

3. The learned counsel appearing for the petitioner submitted that the 3rd respondent failed to recognize that the petitioner is a disabled person and neglected to verify the certificates of the individuals properly who appeared for the interview. Hence, he prayed for the petitioner's appointment to the post of Panchayat Secretary.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that, as per government norms for selecting eligible candidates, a special committee had the authority to scrutinize all applicants' documents. This committee comprised three members: the Block Development Officer (Block Panchayat), the Block Development Officer



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(Village Panchayat) and the Zonal Deputy Block Development Officer for the concerned village panchayat. According to the appointment committee's approved eligible list, the special officer of the concerned village panchayat, who is the 3rd respondent had the authority to appoint an eligible person to the said post. He further submitted that the Aadhaar card, ration card, residence certificate and educational qualifications of the 4th respondent were duly verified and according to the field inspection report dated 31.08.2020 submitted by the 3rd respondent, the revenue documents were found to be true and genuine and these documents were approved by the Bhavani Taluk, Zonal Deputy Tahsildar vide D.disNo.964/19.04.2018. Moreover, the 4th respondent completed SSLC and the educational qualification for the post of Village Panchayat secretary as per G.O.(Ms) No 72, Rural Development and Panchayat Raj (E5) Department dated 09.07.2013, at para no. 5(2) (I) is as follows:

"i) No person shall be eligible for appointment to the post if he/she has not passed S.S.L.C. issued under the authority of the government of Tamilnadu or any other equivalent examination prescribed by the Government to be equivalent there to"

5. The learned Additional Government Pleader further submitted that the petitioner made a representation dated 18.08.2020 to the respondents 1, 2, and 3. Based on her representation, the 2nd respondent sent an intimation letter dated 02.08.2020 to the 3rd respondent, instructing them to scrutinize the



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documents submitted by the 4th respondent and submit a proper report.

Pursuant to these instructions, the 3rd respondent inspected all the relevant records produced by the 4th respondent and submitted a genuine report to the District Collector, Erode, vide letter dated 31.08.2020.

6. Heard the learned counsel for both sides and perused the materials available on record.

7. In view of the submissions made by the learned counsels and upon a careful perusal of the materials available on record, this Court finds that the appointment of the 4th respondent was clearly made as per the Government norms and based on the qualifications prescribed in Government Order (Ms).No.72 dated 09.07.2013 and hence, the writ petition lacks merit and is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Cases : Yes/No
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VIVEK KUMAR SINGH. J,

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To

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