



**W.P.(MD).No.9819 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 11.09.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.9819 of 2022**

**and**

**W.M.P(MD) Nos.7036 and 7037 of 2022**

M.Pana Mayee,  
S/o. Mayandi,  
Panchayat President,  
Zamin Nathampatti Village Panchayat,  
Rajapalayam Panchayat Union,  
Virudhunagar District.

... Petitioner

Vs.

1. The District Collector,  
Virudhunagar,  
Virudhunagar District.
2. The Block Development Officer,  
(Administration),  
Village Panchayat,  
Panchayat Union,  
Rajapalayam,  
Virudhunagar District.
3. Shanmugaraj,  
Panchayat Secretary,  
Athikulam Sengulam Village Panchayat,  
Srivilliputhur Union,  
Virudhunagar District.

... Respondents



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned orders passed by the first respondent in his proceedings in Na.Ka.No.R2/29536/2021, dated 15.02.2022 and its consequential order passed by the first respondent in proceedings in Na.Ka.No.R2/29536/2021, dated 20.04.2022 and quash the same,

For Petitioner : Mr.E.Marees Kumar  
For Respondents : Mr.Veera Kathiravan  
Additional Advocate General  
Assisted by  
Mr.S.Shaji Bino  
Special Government Pleader

### **ORDER**

The instant writ petition has been filed by the Panchayat President, challenging the order of appointment of the third respondent as Panchayat Secretary to the said Panchayat.

2. A perusal of the impugned order reveals that the District Collector has passed the order on 15.02.2022 transferring the third respondent from Athikulam Chengulam, Srivilliputhur Panchayat Union to Jamin Nathampatti Rajapalayam Panchayat Union, in the vacancy created by way of promotion.



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3. According to the learned counsel appearing for the writ petitioner, whenever a vacancy arises, the same has to be filled up only by the District Level Committee as per the Tamil Nadu Village Panchayat Secretary Conditions of Service Rules, 2023 and not by way of transfer.

4. The learned Additional Advocate General appearing for the respondents pointed out that there is no distinction between the vacancy arising out of promotion or vacancy arising out of retirement or death and vacancy arising out of transfer. Therefore, according to him, the petitioner cannot have any grievance over the appointment of the third respondent to the petitioner Panchayat.

5. Considering the fact that the petitioner does not have any cause of action to challenge the order of transfer of the third respondent from different Panchayat Union to the petitioner's Panchayat Union, this Court does not find any merits in this writ petition.



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6. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petitions stand closed.

**11.09.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
ebsi

To

1. The District Collector,  
Virudhunagar,  
Virudhunagar District.
2. The Block Development Officer,  
(Administration),  
Village Panchayat,  
Panchayat Union,  
Rajapalayam,  
Virudhunagar District.



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**R.VIJAYAKUMAR,J.**

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