



WP(MD)No.16752 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.16752 of 2022
and
WMP(MD)No.12145 of 2022**

S.Xavier Thangarasu

... Petitioner

Vs

**1.The District Collector,
Pudukkottai.**

**2.The Personal Assistant to District Collector,
Pudukkottai.**

**3.The Block Development Officer (Village Panchayat),
Office of the Panchayat Union,
Kunnandarvkoil Post,
Kulathur Taluk, Pudukkottai District.**

**4.The President,
Vathanakurichi Village Panchayat,
Thirumalairayapuram Post,
Kulathur Taluk,
Pudukkottai District.**

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari to call for the records of the 3rd respondent in Na.Ka.Thi.3/0025/2020 dated 02.05.2022 and quash the same as arbitrary and illegal.



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For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : Mr.K.Balasubramani,
Nos.1 and 2 Special Government Pleader

ORDER

The petitioner Panchayat Secretary has challenged the show cause notice issued by the Block Development Officer that this petitioner has been continuing as Panchayat Secretary without the required basic educational qualification of 10th standard.

2.The case of the petitioner is that he has been working as Panchayat Secretary for the past 22 years. At the time of his appointment, there was no such qualification and this qualification has been prescribed only in the year 2013. Further the show cause notice has been issued by the Block Development Officer, who is not having jurisdiction and the competent authority to take disciplinary action is the President. Now the petitioner has completed 10th standard.

3.The learned Special Government Pleader appearing for the respondents confirms that now the petitioner has completed 10th standard



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and he has been serving as Panchayat Secretary for the past 10 years.

He further submits that a proposal has been made by the Block Development Officer to the District Collector for regularisation of his services in view of the subsequent developments. As per GO.Ms.No.113, Rural Development and Panchayat Raj Department, dated 13.09.2023, the Block Development Officer is the competent authority to initiate disciplinary proceedings as against the panchayat secretary.

4.This Court considered the rival submissions and perused the materials placed on record.

5.The show cause notice issued to the petitioner has been challenged in this writ petition. This Court does not interfere with the show cause notices unless malafide is attributed or competence of the authority is questioned. The petitioner has taken a ground that the Block Development Officer has no jurisdiction to issue show cause notice. Now the learned Special Government Pleader submits that BDO is the competent authority as per GO.Ms.No.113, Rural Development and Panchayat Raj Department, dated 13.09.2023. However on the date of



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issuance of the show cause notice, the BDO was not conferred with such powers. Therefore the proceedings is liable to be quashed on the ground of jurisdiction. However considering the subsequent developments that this petitioner has completed 10th standard and a proposal has been sent by the BDO to the District Collector, this writ petition stands closed. No costs. Consequently connected miscellaneous petition is closed.

12.12.2024

DSK

To

- 1.The District Collector,
Pudukkottai.
- 2.The Personal Assistant to District Collector,
Pudukkottai.
- 3.The Block Development Officer (Village Panchayat),
Office of the Panchayat Union,
Kunnandarkoil Post,
Kulathur Taluk, Pudukkottai District.
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B.PUGALENDHI.J.,

DSK

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