



*W.P.(MD) No.20159 of 2017*

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

**DATED: 11.12.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**W.P.(MD) No.20159 of 2017**

**M.Rajasekaran**

**... Petitioner**

**/vs./**

1.The Secretary to Government,  
Rural Development and Panchayat Raj Department,  
Government of Tamilnadu,  
Secretariat, Fort St.George, Chennai -09.

2.The Tamilnadu State Election Commission,  
rep by Secretary,  
No.208/2, Jawaharlal Nehru Road,  
Opp to CMBT, Arumbakkam, Chennai -16.

3.The District Collector,  
Sivagangai District,  
Sivagangai.

**... Respondents**

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order issued by the 1st respondent in G.O.Ms.No.104, Rural Development and Panchayat Raj (PR-1) department in respect of the



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petitioner village panchayat in Serial No.18 of Manamadurai Panchayat Union, Sivagangai Dist dated 16.09.2016 and the consequential proceedings issued by the 3<sup>rd</sup> respondent vide Letter Na.Ka.R3/8166/2016 dated 18.11.2016 and Quash the same as illegal and further to direct the 3<sup>rd</sup> respondent to allot the post of President of Perumpacheri Village Panchayat to the scheduled caste general category.

For Petitioner : Mr.S.Nagarajan  
For Respondents : Mr.R.Suresh Kumar  
Additional Government Pleader

### **ORDER**

The writ petition had been filed challenging the Government Order in G.O.Ms.No.104, Rural Development and Panchayat Raj (PR-1) Department, dated 16.09.2016 together with rejection of the petitioner's representation for reserving the post of President of Perumpacheri Village Panchayat as scheduled caste general category.

2. It is the case of the petitioner that pursuant to the Panchayat Raj System of Government, the elections have been conducted to the local bodies. The third respondent had issued a notification on 18.11.2016 for the post of Village Panchayat in Sivagangai District. As per the said notification, the Village Panchayat of Perumpacheri Village was reserved for general women.



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3. It is his contention that the same should have been reserved for scheduled caste general and not to general women. He would further submit that out of the total population of the said village, 75% of the people belonged to scheduled caste. Hence, he had sent a representation to the third respondent for necessary action and the same had been rejected and he would submit that the reservation would only be decided once in 10 years, which would definitely cause prejudice to the scheduled caste people living in the said village. Therefore, he would seek interference of this Court with the order impugned and to direct the respondent to declare that the reservation is to scheduled caste general category.

4. Countering his arguments, Mr.R.Suresh Kumar, learned Additional Government Pleader appearing on behalf of the respondents would submit that all parameters declared for reserving the post had been followed. He would further submit that during the election for the year 1996-2001, the post of Village Panchayat President of Perumpacheri Village was reserved for scheduled caste women and then, during the elections in the year 2006-2011, it was reserved as general and again due to rotation has now been reserved for the elections to be held in the year 2016-2021 to the general category and it could be revised further.



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5. He would further submit that there are 39 Village Panchayats within the Sivagangai District, of which 10 have been reserved for scheduled caste both general and women, 15 for general women and 14 for general. Even for reserving the post of Village Panchayat President in respect of a particular village, the ratio of the scheduled caste people living in the said village is taken out and thereafter, it is allotted.

6. In the said case, he would submit that there were other villagers, who required a Village President from the scheduled caste category and having been ranked accordingly, the reservations were made. If the claim of the petitioner is entertained, it would amount to having one additional reservation for the scheduled caste community, which would directly affect the reservation for other categories. Hence, he would pray this Court to dismiss this writ petition.

7. I have considered the rival submissions made by the learned counsel on either side.



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8. The reservations for the post of Village Panchayat President are made on arithmetical calculations and also taking into account the population of the scheduled caste people in a particular village. This exercise had been made as early as in the year 2016. The next revision is due in the year 2026. Be that as it may, the respondents in detail had explained that with regard to Sivagangai District, how the distribution of reservation has been made for the 39 Panchayats. They have also explained in the said 39 Panchayats as to how the reservation was made for the scheduled caste category. The procedure and the manner in which the reservation has been made do not suggest that there was any *mala fide* intention or arbitrary or colorable exercise of power in making such reservation.

9. In such view of the matter, I do not find any merits in this writ petition and accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Index : Yes / No  
Internet : Yes / No  
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**K.KUMARESH BABU, J.**

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