



W.P. No. 4808 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 4808 of 2019

Brinda

... Petitioner

-VS-

1. The District Collector
Office of the District Collectorate
Nagapattinam District.
2. The Special Officer /Block Development Officer
(Village Panchayat)
Mayiladuthurai Panchayat Union
Mayiladuthurai, Nagapattinam District.

3. Renukadevi

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in his proceedings in Na.Ka.No.935/2018/Aa1 dated 28.11.2018 and quash the same and consequently, direct the second respondent to appoint the petitioner herein as Village Panchayat Secretary in the Kadakkam Village Panchayat.

For Petitioner : Mr.P.Dinesh Kumar

For Respondents : Mr.M.Muthusamy, GA (R1)
Mr.V.Umakanth, GA (R2)
Mr.M.J.Srinivas (R3)



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ORDER

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The petitioner has filed this writ petition to call for the records pertaining to the proceedings of the second respondent in Na.Ka.No.935/2018/Aa1 dated 28.11.2018 and quash the same and consequently, direct the second respondent to appoint the petitioner herein as Village Panchayat Secretary in the Kadakkam Village Panchayat.

2. Heard Mr.P.Dinesh Kumar, learned counsel for the petitioner and Mr.M.Muthusamy, learned Government Advocate for the first respondent, Mr.V.Umakanth, learned Government Advocate for the second respondent and Mr.M.J.Srinivas, learned counsel for the third respondent and perused the materials placed on record, apart from the pleadings of the parties.

3. The petitioner had applied to the post of Village Panchayat Secretary and she had also attended the interview on 28.11.2018 by producing her certificates.

4. The learned counsel for the petitioner submitted that the candidate should reside in the same village. It is claimed by the petitioner that the third respondent belongs to the some other village and the petitioner lives in



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Kadagam Village, but the second respondent did not consider the candidature

of the petitioner for appointment of Village Panchayat Secretary.

5. The learned Government Advocate for the respondents submitted that both the petitioner and the third respondent were residing in the same village and the third respondent was senior to the petitioner, whose age limit was not near to the maximum eligibility the time when the recruitment was made. Hence, preference has been given to the third respondent. He further submitted that if two candidates possess similar qualification, then appointment can be made only according to the merits and ability by adopting Rules and Regulations.

6. The petitioner has made a representation in this regard on 07.11.2018 seeking information, but the second respondent failed to furnish the information and her representation was rejected.

7. According to the petitioner, the petitioner is residing within two(2) kilometers radius at Kadagam village panchayat. The record shows that the selection should be made only based on the Rules and it was not done as an arbitrary exercise. Hence, in case of any future vacancy arises, the petitioner



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shall be considered by giving any age relaxation in accordance with the Rules.

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8. In the result, this writ petition is disposed by directing the respondents to give age relaxation and pass orders, in the event of any future notification given in this regard. No costs.

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Index: Yes/No

Speaking /Non-speaking order

Maya

To

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(Village Panchayat)
Mayiladuthurai Panchayat Union
Mayiladuthurai, Nagapattinam District.



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R.N.MANJULA, J.

Maya

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