



W.P.No.5352 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.5352 of 2019

M.Jeevitha

... Petitioner

Vs.

1.The District Collector,
Villupuram District,
Villupuram.

2.The Block Development Officer,
Vanur Panchayat Union,
Villupuram District.

3.Anjutha

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first and second respondents to appoint the petitioner as Panchayat Secretary for Appirampattu Village Panchayat, Vanur Taluk, Villupuram District pursuant to the interview letter Na.Ka.No.Aa2/771/2018 dated 27.07.2018 on the file of the second respondent by removing the third respondent.

For Petitioner

: Mr.C.Munusamy for
Mr.Arun Dattan



WEB COPY



W.P.No.5352 of 2019

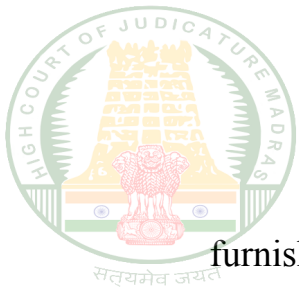
For Respondents : Mrs.S.Anitha, AGP for R1
Mr.S.V.Durai Solaimalai for R2
Mr.S.Gunasekaran for R3

ORDER

This Writ Petition has been filed to direct the first and second respondents to appoint the petitioner as Panchayat Secretary for Appirampattu Village Panchayat, Vanur Taluk, Villupuram District pursuant to the interview letter Na.Ka.No.Aa2/771/2018 dated 27.07.2018 on the file of the second respondent by removing the third respondent.

2. Heard Mr.C.Munusamy, learned counsel for the petitioner, Mrs.S.Anitha, learned Additional Government Pleader for R1, Mr.S.V.Durai Solaimalai, learned counsel for R2 and Mr.S.Gunasekaran, learned counsel for R3 and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the third respondent has secured appointment to the post of Panchayat Secretary by



W.P.No.5352 of 2019

furnishing the false address details. The third respondent who is a resident of Puducherry is not an eligible person as per the requirement of the rules of appointment. It is submitted that the third respondent's permanent residence is at Puducherry and the petitioner's residence is at Appiramapattu Village and hence, the petitioner alone is the eligible candidate who can be considered for appointment .

4. The learned counsel for the second respondent submitted that there is no illegality attached to the appointment of the third respondent and the third respondent has shown the nativity certificate and other revenue records to show that her native place is as shown in the certificate.

5. The learned counsel for the third respondent submitted that the third respondent is a very much a resident of Appiramapattu Village and her husband's place alone is nearby to Puducherry and hence, there is no illegality in selecting and appointing the third respondent to the post of Panchayat Secretary, Abiramapattu Village.



W.P.No.5352 of 2019

6. The position of law in this regard has already been settled in the judgment of this Court made in ***W.P.No.2456 of 2021 dated 30.10.2023***

(G.Mayakannan Vs. The District Collector, Cuddalore and Others)

wherein, it has been observed as under:

"8. It is not the contention of the petitioner that the third respondent's natal family had uprooted from Jayakondam and they have established their residence elsewhere. The parents of the third Respondent are still in Jayakondam and the third respondent has every right to visit or stay with her parents at Jayakondam at her own convenience or choice. The third respondent has got her roots at Jayakondam and that is not denied by the petitioner. While so, he cannot perceive the third respondent as a stranger to her natal family and say that she can not claim any residential status at Jayakondam in view of her marriage.

9. In today's world, men and women go to several places for the sake of education or occupation, but still consider their native place as their permanent residence. There is a notion that a married woman completely abandons her native place and assumes her husband's place as her only place of residence. If a married woman



WEB COPY



W.P.No.5352 of 2019

chooses to live between her natal home and marital home on account of her employment, business or otherwise nothing can prevent her to exercise her option. To retain or waive the native address is at the will of a married woman or her family members in certain circumstances. The will of a woman coupled with the existence of a physical body like a house at her parent's place, in which she opts to live either by exercising her right or by obtaining consent/permission, is itself sufficient to provide her with a residential certificate relating to that place.

10. The very object of insisting the local residence certificate for the post of the Panchayat Secretary is to ensure the immediate availability of the secretary in order to handle any sudden official urgency. It is also with a view that a person who is locally placed can have a better acquaintance with the local populace; He/She can also be aware of the local needs, problems and all connected situations in order to give a better contribution.

11. The third Respondent has produced the exchange of legal notices between herself and her husband and submitted that there is an ongoing marital discord between themselves. The above facts are completely personal to the petitioner and she should not have driven to such compulsion of revealing these private



WEB COPY

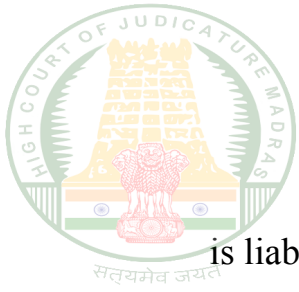


W.P.No.5352 of 2019

facts about herself for the sake of this Petition. A woman would turn out to her parental abode for any good or bad reasons and some times she would even prefer to stay there for any period of her choice with an understanding with her parental home inmates. A choice and will of a woman to exercise residential choice at her natal home should not be viewed through patriarchal prism in order to deny her the residential status there.

12. So far as the Government Respondents 1 to 2 are concerned, they did not have any objection to the certificates produced by the third Respondent. According to them, the documents filed by the third Respondent are genuine and they are not the products of forgery or misrepresentation. The Petitioner has his own adverse idea about the entitlement of residential status of the petitioner at her parents' house. With that adversity in mind, this petition has been filed and which in my opinion does not have any merits. In the result, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs."

7. Just because the petitioner has got married and chosen to reside at the place of her husband, that will not deprive her to loose her nativity status. As this Writ Petition has been filed with flimsy grounds, the same



W.P.No.5352 of 2019

is liable to be dismissed.

WEB COPY

8. In the result, this Writ Petition is dismissed. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

21.02.2025



WEB COPY



W.P.No.5352 of 2019

R.N.MANJULA, J.

gsk

To

- 1.The District Collector,
Villupuram District,
Villupuram.
- 2.The Block Development Officer,
Vanur Panchayat Union,
Villupuram District.

W.P.No.5352 of 2019

21.02.2025