



WEB COPY



W.P.No.9475 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE T.VINOD KUMAR

W.P.No.9475 of 2019

M.Senthil

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Petitioner

Vs

1.The District Collector,
District Collectorate Office,
Villupuram.

2.Planning Director/Joint Director,
District Rural Development Agency,
Villupuram.

3.Special Officer/Block Development Officer (Village Panchayat),
Marakanam Panchayat Union,
Villupuram District.

4.Rajesh

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records of the third respondent in Na.Ka.No.Aa2/557/2018, dated 07.01.2019, appointment and quash the same as illegal, arbitrary, against the rule of law and consequently direct the third respondent to issue fresh



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interview for all the candidates applied for the post of Secretary, Kizhsiveri Panchayat Union, Marakanam Taluk, Villupuram District.

For Petitioner : Mr.G.Mohammed Aseef

For Respondents 1 & 2: Mrs.V.Yamunadevi,
Spl.Govt. Pleader.

For Respondent 3 : Mr.R.Venkatesh

For Respondent 4 : Mr.D.Suriyanarayanan,
for M/s.Sun Law Associates.

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader, appearing on behalf of respondents 1 to 3.

2. The case of the petitioner in brief is that pursuant to the notification issued by the third respondent on 03.04.2018 to fill up the vacant post of Secretary in Kizhsiviri Panchayat Union, he had submitted application on 04.04.2018, and, in spite of the respondent receiving the application, he was not issued with a call letter for interview; that the petitioner had learnt that the respondents sent interview letters scheduled on 14.08.2018 only to a few people as an eye wash and selected the persons, whom they wanted for the said post; and hence, the action of the respondents, it is contended, is illegal and arbitrary.



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3. It is the further case of the petitioner that the third respondent, by adopting the aforesaid procedure, had selected the fourth respondent vide proceedings, dated 07th January, 2019, without following any norms or procedure, despite the petitioner meeting all the eligible criteria and also holding 100% disability certificate, and appointed the fourth respondent to the aforesaid post.

4. Separate counter affidavits by third and fourth respondents are filed.

5. The third respondent, by the counter affidavit, contended that the notification to fill up the post of Secretary, Kizhsiviri Panchayat, was issued on 02.04.2018 and the conditions for applying to the said post are (i) general candidate, age should be 18 years completed and not exceeding 30 years; (ii) SC/ST/MBC/DNC candidate, age should be 18 years completed and not exceeding 35 years. By the counter affidavit, it is further contended that since, the petitioner was aged 40 years, the application submitted by him was not considered.

6. Learned Special Government Pleader, appearing on behalf of respondents 1 and 2, further submitted that in response to the aforesaid notification, the third respondent received 70 applications and out of the said 70 applications, the third respondent rejected 60 applications, as the same



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were received from the candidates belonging to other panchayats; that only 10 applicants were considered for being called for interview; and that, in so far as the petitioner was concerned, though he was from the very same panchayat, since he was aged 40 years, which was beyond the age prescribed in the notification, his application was not considered and thus the fourth respondent was selected from and out of the remaining candidates, who attended the interview.

7. The fourth respondent, by the counter affidavit, contended that he was appointed to the post of Secretary of Kizhsiviri Panahayat as per the Government Orders and the rules vide proceedings of the third respondent, dated 07.01.2019, and was placed on probation for a period of one year and thereafter his services were regularised in the year 2021; that he is working as Secretary of Kizhsiviri Panahayat; and that the petitioner, who was aged 40 years, cannot claim of he not being considered for the aforesaid post, as he was over-aged. Contending as above, the fourth respondent seeks for dismissal of the writ petition.

8. I have taken note of the respective contentions of the learned counsel for the parties.

9. Though the petitioner has filed this Writ Petition claiming that he had applied to the post of Panchayat Secretary pursuant to the notification issued by the third respondent, the petitioner however, did not mention as to



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the eligibility criteria specified in the said notification. As per the notification issued, since the said vacancy is to be filled by a candidate as per the communal rotation for general category, the candidates, who are aged about 18 years and above and not exceeding 30 years would be eligible to apply for the aforesaid post. Even assuming the relaxation of age, persons with disabilities are entitled to apply, even then the maximum age as per the notification is 35 years for recruitment.

10. However, as the petitioner was born on 20.04.1978, he is aged about 39 ½ years on the date of submitting the application to the post. Even after being granted relaxation of 5 years, which may be available to persons with disabilities the petitioner had crossed the eligible age prescribed. Since, the petitioner was over-aged on the date he applied to the post, the respondents did not consider his application and, for the said reason, the petitioner was not issued with call letter. The petitioner being over-aged on the date he applied to the post and as the notification clearly specified the eligibility criteria viz., educational qualification, age and place of residence, the petitioner in the considered opinion of this Court, cannot claim himself as eligible, having crossed the maximum age prescribed in the notification.



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11. Therefore, the challenge in the present writ petition has to fail.

Accordingly, the Writ Petition is dismissed. No costs.

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Index : Yes/No

Internet : Yes/No

dixit

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T.VINOD KUMAR, J.

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