



WEB COPY



W.A.No.1225 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.1225 of 2025

and

C.M.P.No.9329 of 2025

The Block Development Officer,
Pappireddipatti Panchayat Union,
Dharmapuri District.

... Appellant

Vs.

1.V.Jayakodi

2.The District Collector,
Dharmapuri District,
Dharmapuri.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 07.12.2023 in W.P.No.27734 of 2022 and allow the above writ appeal.

For Appellant

: Mr.M.Suresh Kumar,
Additional Advocate General
Assisted by Mr.S.Yashwanth

For Respondents

: Mr.P.Kannan Kumar for R1
Mr.G.Chandrasekaran for R2



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J U D G M E N T

WEB COPY (Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

Admittedly the 1st respondent was appointed as a part time Panchayat Clerk on 01.03.1997. Thereafter, she was re-designated as Panchayat Assistant Grade II pursuant to G.O.No.175 dated 05.12.2006. Again she was re-designated as Panchayat Secretary pursuant to G.O.No.52 dated 29.08.2011. It is not in dispute that the 1st respondent has been serving in the said post. All of a sudden in 2022, by the order impugned in the Writ Petition dated 12.08.2022, her services were terminated on the ground that she does not possess the required qualification viz., a pass in S.S.L.C.

2. The marks of the 1st respondent in S.S.L.C. have been set out even in her Service Register opened at the time of her appointment in the year 1997. She was appointed with the knowledge of the fact that she had not passed S.S.L.C. and she had served as Panchayat Clerk, Panchayat Assistant and as a Panchayat Secretary for nearly 25 years. The termination is sought to be made on the ground that she does not have a prescribed qualification.



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3. The learned Single Judge has quashed the order of termination mainly on the ground that after having allowed her to serve for nearly 25 years and to terminate on the ground that she does not possess qualification is not acceptable. Even though the writ Court had proceeded on a footing that the essential qualification was introduced subsequent to the appointment of the 1st respondent, we are unable to fault the writ Court for having quashed the orders of termination in view of the long passage of time from the date of appointment till the date of termination.

4. We also find that the procedure set out in the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013 have not been followed in passing the order impugned in the Writ Petition. Normally we would have given liberty to the respondent to proceed with in accordance with Rules. We do not propose to do so in the case on hand, in as much as, the impugned action itself has been taken after 25 years and to terminate the employee on the ground that she was not qualified, after extracting work from her for 25 years cannot be termed as fair and proper.



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5. Hence, the appeal fails and it is accordingly **dismissed**. Eight weeks time is granted to the appellant to comply with the directions issued by the writ Court. The learned Single Judge is requested to defer the contempt proceedings that are pending for a period of eight weeks. No costs. Consequently, the connected miscellaneous petition is closed.

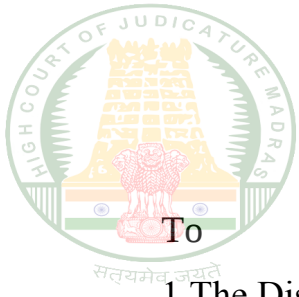
(R.S.M.,J.) (G.A.M.,J.)
21.04.2025

dsa

Index : No

Neutral Citation : No

Speaking order



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To

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Block Development Officer,
Pappireddipatti Panchayat Union,
Dharmapuri District.



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R.SUBRAMANIAN, J.
and
G.ARUL MURUGAN, J.

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