



W.P.No.34968 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.34968 of 2019

Mr.V.Muthukumaran

... Petitioner

vs

1. The Director,
Directorate of Rural Development
and Panchayat,
Panagal Maligai, Abdul Razzak St,
Saidapet, Chennai – 600 015.
2. The Collector,
Cuddalore District, Cuddalore.
3. The Additional Collector/Project Director,
District Rural Development, Cuddalore.
4. The Special Officer,
Natham Panchayat and
Block Development Officer,
Panchayat Union, Annagiramam.

5. Mr.S.Suresh

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to Na.Ka.No.A4/700/2018 dated 28.11.2019 passed by the fourth respondent and quash the same and thereby directing the respondents to appoint



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the petitioner as Panchayat Secretary, Natham Panchayat, in a time bound period and pass orders.

For Petitioner : Ms.U.Santhanalakshmi
for Mr.K.Mohanamurali

For Respondents : Mrs.V.Yamunadevi
Special Government Pleader for R1 to R3
: Mr.R.S.Selvam
Standing Counsel for R4
: Mr.J.Pradeep for R5

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 3, the learned Standing Counsel appearing for the fourth respondent, the learned counsel for the fifth respondent and perused the records.

2. The petitioner by the present writ petition had sought for issuance of a Writ of Mandamus to call for the records pertaining to Na.Ka.No.A4/700/2018 dated 28.11.2019, passed by the fourth respondent, appointing the fifth respondent as Panchayat Secretary and to quash the said appointment.

3. The case of the petitioner in brief is that, pursuant to the notification issued by the third respondent to fill up 56 vacancies in relation to the administration of Village Panchayat, Cuddalore District, the petitioner had



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submitted an application on 05.04.2018 for the post of Panchayat Secretary of Natham, Annagramam Block, in which four vacancies have been notified.

4. It is the further case of the petitioner that, though he was called for interview, *vide* letter dated 15.05.2018 and had attended the interview along with others, wherein, the fourth respondent had selected the fifth respondent to the aforesaid post on the basis of the interview.

5. It is the further case of the petitioner that the official respondents without taking note of the age of the petitioner and also her stand with the employment exchange had appointed 5th respondent solely on the basis of interview, and thus, the selection process adopted by the fourth respondent is flawed.

6. Per contra, learned Standing Counsel appearing on behalf of the respondents submitted that the selection to the post of Panchayat Secretaries was pursuant to the Rules notified *vide* G.O.Ms.No.72, Rural Development and Panchayat Raj (E5) dated 09.07.2013, wherein, the selection process has been specified i.e., by way of interview only.



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7. The learned Standing Counsel for the respondents further submitted that insofar as eligibility criteria with regard to the educational qualification is concerned, the minimum qualification is SSLC and there is no maximum educational qualification is prescribed; that the petitioner and other candidates having higher qualification also applied to the aforesaid post and were called for interview; and that the selection was made, based on the maximum marks secured in the interview.

8. On behalf of the respondents, the learned Standing Counsel further submitted that the petitioner having taken part in the interview and being declared as unsuccessful, come up with the present writ petition.

9. I have taken note of the respective contentions as urged.

10. At the outset, it is to be noted that the recruitment to the post of Panchayat Secretary is governed by the Tamil Nadu Panchayat Secretaries (Conditions Service) Rules, 2013, notified *vide* G.O.Ms.No.72 Rural Development and Panchayat (E.5) Department, dated 09.07.2013 and there is no challenge to the said rules in the present writ petition.



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11. The fourth respondent having issued notification to fill up the vacancies of Panchayat Secretaries, in terms of the aforesaid Rules prescribing the minimum educational qualification, age and other criteria and the petitioner having applied to the aforesaid post and also taking part in the interview, cannot seek to lay a challenge the selection process, by claiming that his seniority with employment exchange and also the age ought to have been considered at the time of appointment to the post. If, only the petitioner was aggrieved by the Rules as notified *vide* G.O.Ms.No.72, he ought to have challenged the Rules which were notified under the aforesaid G.O.

12. Not only, the petitioner did not challenge the Rule, but, on the other hand, having applied pursuant to the notification issued in accordance with the Rules and also having taken part in the selection process, after being unsuccessful, cannot challenge the selection process, as held by the Apex Court in the case of ***Ashok Kumar Vs. State of Bihar*** reported in ***[(2017) 4 SCC 357]***

13. This Court, also in W.P.No.19045 of 2019 had held that the candidate who had taken part in the selection process, after being unsuccessful, cannot be allowed to challenge the selection process. Since, the petitioner had approached



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this Court only after being declared as unsuccessful in the selection process, the law laid down by the Hon'ble Apex Court squarely applies to the case of the petitioner. Thus, the present writ petition as filed is only to be considered as attempt to stall the process of selection. Accordingly, the writ petition is devoid of merits and is dismissed. No costs.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh



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