



W.A.(MD)No.669 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

AND

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.669 of 2022

and

C.M.P(MD)No.5671 of 2022

1.The District Collector cum Inspector of Panchayats,
Thoothukudi District,
Thoothukudi.

2.The Block Development Officer (Village Panchayats),
Kovilpatti Panchayat Union,
Thoothukudi District.

3.Thonugal Village Panchayat,
Kovilpatti Taluk, Thoothukudi District,
Represented by its Special Officer.

4.The Secretary to Government,
The Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai - 600 009.

.. Appellants

Vs.

M.Marimuthu

... Respondent



W.A.(MD)No.669 of 2022

PRAYER:- Writ Appeal is filed under Clause XV of Letters Patent Act, to set aside the order in W.P(MD)No.17154 of 2018 dated 24.02.2022 on the file of this Court and allow the Writ Appeal.

For Appellants : Mr.Veerakathiravan,
Additional Advocate General
Assisted by
Mr.D.Sadiq Raja,
Special Government Pleader

For Respondent : Mr.G.Thalaimutharasu

JUDGEMENT

(Judgement of the Court was delivered by **C.KUMARAPPAN, J.**)

The respondents in the writ petition are the appellants herein, and the writ petitioner is arrayed here as respondent.

2. For the sake of convenience, the parties will be referred to according to their litigative status before the writ Court.

3. The brief facts which are necessary for the disposal of the present Writ Appeal are that, the petitioner was appointed as the Panchayat Secretary in Thonugal Village Panchayat, Kovilpatty Taluk on 01.08.2012. The main grievances of the official respondents is that on the date of the writ petitioner's appointment, he was aged about 35, whereas



W.A.(MD)No.669 of 2022

WEB COPY

according to the notification, the maximum age limit for such appointment is 33 years. Further, on account of irregularity in the appointment of the petitioner, a disciplinary proceeding was initiated against the Panchayat President, under Section 205(1)(a) of the Tamil Nadu Panchayats Act, 1994. Whiles, the petitioner voluntarily resigned from job on 24.10.2013 and has also deposited the salary amount, which was received during his employment. The writ Court after hearing either sides has ultimately concluded that the appointment of the petitioner is only irregular, and that the petitioner having correctly disclosed his age as 35, directed the Government to grant age relaxation to the petitioner and also ordered to reinstate him. Aggrieved with the same, the respondents have preferred the present writ appeal.

4. Heard both sides.

5. The learned Additional Advocate General appearing for the appellants / respondents would submit that the recruitment notification categorically stipulates the qualification criteria, according to the notification, maximum age limit for a person to be appointed in the



W.A.(MD)No.669 of 2022

WEB COPY

Panchayat Secretary Post is 33 years as per G.O.Ms.No.175, Rural Development and Panchayat Raj Department, dated 05.12.2006, and that any deviation from such stipulation is illegal and such appointment becomes ipso facto void. It is further submitted by the learned Additional Advocate General that, while exercising the power of judicial review, the writ Court cannot direct the Government to give age relaxation in contrary to G.O.Ms.No.175, Rural Development and Panchayat Raj Department, dated 05.12.2006, that too, when the said Government Order has not been challenged. It is the further submission of the learned Additional Advocate General that the petitioner also has no locus standi to file the writ petition as he himself voluntarily resigned from the post and deposited the salary received up to the date of his resignation. It is in this background, contended that the petitioner can't claim benefit under Rule 5 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013. Hence, prayed to allow the writ appeal.

6. Per contra, the learned counsel for the respondent / petitioner would contend that, by efflux of time, the petitioner became over aged and unfit to be participated in any competitive exams, and that the



W.A.(MD)No.669 of 2022

appointment of the petitioner was not illegal but only irregular. Therefore, the direction issued by the writ Court directing the Government to relax the condition cannot be found faulted, that too, when the Government itself has brought conditions of service Rules for Village Panchayat, wherein, maximum age limit for SC communal category is 35 years. Therefore, he would submit that there are no infirmities in the order of the writ Court. Hence, prayed to dismiss the writ appeal.

7. We have given our anxious consideration to either side submissions.

8. The factual position in the writ petition is not in serious dispute. It is an admitted fact that the petitioner was aged about 35 years on the date of his appointment. It is an equally admitted fact that, according to the Government Order in G.O.Ms.No.175, Rural Development and Panchayat Raj Department, dated 05.12.2006, the maximum age limit for a person to be appointed in the post of Panchayat Secretary is 33 years. Therefore, as rightly contended by the learned Additional Advocate General, on the date of appointment, the petitioner was not qualified to the



W.A.(MD)No.669 of 2022

post of Panchayat Secretary. Therefore, the contention that the petitioner's appointment is irregular is unsustainable. On the other hand, such appointment is an illegal appointment, which make such appointment become void ab initio.

9. At this juncture, it is pertinent to mention that, the petitioner has filed various writ petitions, and in W.P.(MD)No.4115 of 2017, vide order dated 10.03.2021, this Court has held that the petitioner having resigned the post on 24.10.2013, and when such resignation was approved by the Village Council meeting, demanding salary for the subsequent period after his resignation is illegal. The said order reached its finality as the same was not challenged by the petitioner.

10. During the pendency of the above writ petition, it appears that the petitioner came out with present writ petition seeking relaxation of the age. As rightly contended by the learned Additional Advocate General, when the Government has stipulated age limit, unless there is any public interest, and just and equitable reason, the question of relaxation of the conditions stipulated for the recruitment does not arise as it is contrary to



W.A.(MD)No.669 of 2022

WEB COPY

the provisions of the Tamil Nadu Government Servants (conditions of services) Act, 2016.

11. Therefore, we are of the firm view that the order of the learned single Judge directing the Government to give age relaxation is not in accordance with law. Hence, the order of the learned single Judge directing for age relaxation and the consequential direction is liable to be interfered with. As a sequitur, the writ appeal is liable to be allowed.

12. At the same time, while allowing the writ appeal, we are conscious of the fact that the petitioner has discharged his duty between 01.08.2012 to 31.07.2013 and during such period, he was paid salary to the tune of Rs.69,480/-. The appellants also admitted that the writ petitioner has already deposited the said amount on 24.10.2013. In such view of the position, having the petitioner allowed to do duty, he is entitled for salary. Therefore, while allowing the writ appeal, in the interest of justice, we deem it appropriate to direct the appellants herein to refund the sum of Rs.69,480/- to the writ petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order. If such



W.A.(MD)No.669 of 2022

WEB COPY

amount is not paid within the said period, the writ petitioner is entitled for interest at the rate of 12% per annum thereafter.

13. With the above direction, the writ appeal is allowed. No costs.

Consequently, connected Miscellaneous Petition is closed.

[A.S.M.,J.] & [C.K., J.]
14.10.2025

NCC : Yes / No

Index : Yes / No

Internet: Yes

mbi



WEB COPY



W.A.(MD)No.669 of 2022

DR.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

mbi

W.A.(MD)No.669 of 2022

14.10.2025