



W.P.(MD)No.6006 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2025

CORAM:

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.6006 of 2019
and
WMP.(MD)Nos.4799 and 4800 of 2019

Angaleswari

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Personal Assistant to
District Collector (Development),
Ramanathapuram District,
Ramanathapuram.
3. The Special Officer/The Block Development Officer,
(Village Panchayat),
Kadaladi Panchayat Union,
Kadaladi,
Ramanathapuram District.
4. K.Kumuthavalli

... Respondents



W.P.(MD)No.6006 of 2019

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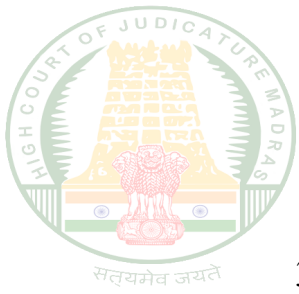
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 3rd respondent vide proceedings Na.Ka.No.B4/792/2018 dated 07.02.2019 and quash the same as illegal as devoid of merits and direct the respondents to appoint the petitioner in the post of Village Panchayat Secretary in the Pillaiarkulam Village Panchayat, Kadaladi Taluk, Ramanathapuram District under the category of destitute widow as per the notification issued by the 3rd respondent vide Na.Ka.No.B4/792/2018 dated 27.03.2018.

For Petitioners	: M/s.Raja Karthikeyan
For R1 & R2	: Mr.G.V.Vairam Santhosh Additional Government Pleader
For R3 & R4	: No appearance

ORDER

Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice on behalf of the respondents 1 and 2.

2. The present writ petition has been filed challenging the appointment order issued to the 4th respondent herein by appointing her in the post of Panchayat Secretary of Pillaiarkulam Village Panchayat.



W.P.(MD)No.6006 of 2019

WEB COPY

3. A brief facts of the case is that the petitioner's husband died on 09.03.2013, leaving behind the petitioner, his son and daughter as the legal heirs. After the death of the petitioner's husband, the petitioner is involved in agricultural activities. While so, the 3rd respondent has issued a notification dated 27.03.2018 for a recruitment to the post of Village Panchayat Secretary in Pillayarkulam Village Panchayat under the 'Destitute Widow' category. The petitioner being an uneducated agricultural coolie has applied to the said post and has also appeared before the 3rd respondent for an interview on 16.11.2018. However, the 3rd respondent has appointed one K.Kumuthavalli namely the 4th respondent herein as the Village Panchayat Secretary in Pillayarkulam Village Panchayat though she does not come under the destitute widow category. Hence, the petitioner has filed the present writ petition.

4. According to the learned counsel appearing for the petitioner, as per notification dated 27.03.2018, the appointment to the post of Village Panchayat Secretary should have been filled only by the 'Destitute Widow' category candidate. The 4th respondent is not a 'Destitute Widow' and therefore, the appointment of the 4th respondent herein to the said post is illegal.



W.P.(MD)No.6006 of 2019

WEB COPY

5. A perusal of the notification dated 27.03.2018 reveals that the post of Village Panchayat Secretary can be filled either by destitute widow category candidate or by widow category candidate.

6. It is seen from the records that the 3rd respondent being a competent authority called for applications to fill up the vacant post of Village Panchayat Secretary from the respective Panchayat including Pillaiarkulam Village Panchayat.

7. In that connection, the authorities issued an order saying what are the communal roaster to be followed for the respective panchayat by way of notification dated 27.03.2018. In the said notification, there is a tabular column in which at Sl.No.3 it has been specifically mentioned that the Pillayarkulam Panchayat Secretary Post shall be filled up with "General Turn Destitute Widow or with Widow Category Candidate".

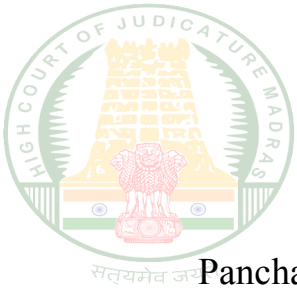


W.P.(MD)No.6006 of 2019

WEB COPY

8. The learned Additional Government Pleader appearing for the respondents 1 and 2 has brought to the attention of this Court that G.O.Ms.No.175, Rural Development and Panchayat Department dated 05.12.2006 clearly shows that the candidate in the same village panchayat shall be appointed to the said post. In case of when there is no eligible candidate available in the same village panchayat, only then the eligible candidate from the other village panchayat will be considered as a second option. He would submit that since the petitioner is from some other village panchayat, she is not at all eligible for the above said post as per G.O.Ms.No.175, Rural Development and Panchayat Department dated 05.12.2006. Hence, he prays for dismissal of the writ petition.

9. In the present case, the 4th respondent being an eligible candidate from the same village panchayat was very much available in the widow category as per G.O.Ms.No.175, Rural Development and Panchayat Department dated 05.12.2006. Moreover, the petitioner has no *locustandi* to file the present writ petition challenging the appointment order issued by the 3rd respondent. The 4th respondent has been working as



W.P.(MD)No.6006 of 2019

WEB COPY

Panchayat Secretary in Pillayarkulam Village Panchayat from February 2019 to till date. There is no illegality or arbitrariness in the appointment order which is under challenge in the present writ petition.

10. In view of the above said facts, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

04.02.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



W.P.(MD)No.6006 of 2019

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M.JOTHIRAMAN,J.

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