



W.P.(MD)No.6463 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2025

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THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.6463 of 2019
and W.M.P.(MD)No.5166 of 2019

T.Malathi

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep by its Principal Secretary,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai-9.
- 2.The District Collector,
Tuticorin District, Tuticorin.
- 3.The Appointment Committee,
Rep by Personal Assistant to District Collector,
Tuticorin District, Tuticorin.
- 4.The Block Development Officer/Special Officer to Kalugasalapuram,
Village Panchayat,
O/o. The Block Development Officer,
Vilathikulam Union, Tuticorin District.
- 5.Malliga,
Village Panchayat Secretary,
Kalugasalapuram Village Panchayat,
Vilathikulam Union, Tuticorin District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare the selection and appointment of the fifth respondent to the post of Village Panchayat



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Secretary at Kalugasalapuram Village Panchayat, Vilathikulam Union, Tuticorin District as illegal and violative of the Rule 5 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013 and consequently for a direction, directing the respondents 2 to 4 to appoint the petitioner to the post of Village Panchayat Secretary at Kalugasalapuram Village Panchayat, Vilathikulam Union, Tuticorin District on the basis of the mark secured by the petitioner in the interview conducted by the third respondent within the time period stipulated by this Court.

For Petitioner	: Mr.S.Rajasekar for M/s.T.Lajapathy Roy
For R1 to R4	: Mr.G.V.Vairam Santhosh, Additional Government Pleader.
For R5	: Mr.V.Karthick Raja for M/s.Ajmal Associates.

ORDER

This writ petition has been filed seeking orders to declare the selection and appointment of the fifth respondent to the post of Village Panchayat Secretary at Kalugasalapuram Village Panchayat, Vilathikulam Union, Tuticorin District as illegal and violative of the Rule 5 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013 and consequently for a direction, directing the



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respondents 2 to 4 to appoint the petitioner to the post of Village Panchayat Secretary at Kalugasalapuram Village Panchayat, Vilathikulam Union, Tuticorin District on the basis of the mark secured by the petitioner in the interview conducted by the third respondent within a time frame.

2.It is stated in the affidavit that the petitioner belongs to Scheduled Caste Community and she married a person belonging to Backward Class Community and therefore, she has been issued with inter-caste marriage certificate. As per the Rule 3 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013, the appointment to the post of Village Panchayat Secretary shall be made by direct recruitment through employment exchange. The petitioner had applied for the said post at Kalugasalapuram Village Panchayat, Vilathikulam Union, Tuticorin District on 11.04.2018. As per the proceedings dated 01.08.2018, she has been called for the interview and she had participated in the interview on 21.08.2018, in which, she was told that she had got the highest mark. But from the month of August 2018 to February 2019, there was no progress and suddenly the fifth respondent has been appointed in the post of Village Panchayat Secretary



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by the fourth respondent. The selection of the fifth respondent is completely illegal and arbitrary. The fifth respondent has crossed maximum age limit. As per the application, maximum age limit is only 30 years. Further, as per the Rule 5 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013, the maximum age limit is 35 years for BC, MBC, SC/ST candidates. The petitioner is meritorious than the fifth respondent. Therefore, selection and appointment of the fifth respondent is liable to be set aside.

3.The learned counsel appearing on behalf of the petitioner would submit that the petitioner belongs to the Schedule Caste Community priority category (Inter-Caste Marriage) and therefore, the respondents 1 to 4 should have selected and appointed the petitioner, in view of her marks in the interview. He would further submit that the fifth respondent has crossed the maximum age limit and therefore, it is highly unlawful on the part of the respondents to select a person who is barred by age limit as per the Rules in a post.

4.Per contra, the learned Additional Government Pleader appearing for the official respondents would submit that as per order of



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the Director of Rural Development and Panchayat Raj, Tamil Nadu vide letter dated 21.03.2018 and the District Collector, Thoothukudi District, notification was issued in the National Career Service Portal as well as in the District Portal calling for applications from the eligible candidates by strictly following the mandates of G.O.(Ms)No.175 dated 05.12.2006. He would further submit that insofar as Kalugasalapuram Village Panchayat is concerned, the post was reserved for Schedule Caste-Woman, as per 200 points roster by taking the District as single unit. Notification was also caused publication in 'Daily Thanthi' and 'Dinamani' dated 28.03.2018. The District Employment Officer, Thoothukudi was requested to send a list of candidates as per live register subscribing with the requesting conditions. The selection process was conducted by the selection committee consisting Block Development Officer (Village Panchayat), Block Development Officer and Zonal Deputy Block Development Officer. The selection committee by taking into consideration of all relevant parameters as prescribed in G.O.(Ms)No.175 dated 05.12.2006, such as, age, residence, family circumstances and the performance in the interview. On the basis of the above said criteria and on the basis of the marks secured during the interview, the selection committee recommended the fifth respondent for



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the post of Village Panchayat Secretary and thereafter, the District Collector, Thoothukudi issued appointment order and the fifth respondent had assumed charge and serving as Village Panchayat Secretary from 08.03.2019. He would also submit that the petitioner is aged 25 years whereas the fifth respondent is aged 33 years and the fifth respondent was found more suitable and therefore, the selection committee has recommended the fifth respondent and there is no violation in the selection process.

5.Heard the learned counsel on either side and perused the materials on record.

6.It is stated in the counter affidavit filed by the fourth respondent in paragraph Nos.5 and 8 as hereunder:-

5.It is respectfully submitted that as ordered by the Director of Rural Development and Panchayat Raj vide Lr. No. 90460/13/E4 dated 21.03.2018 and the District Collector, Thoothukudi district to fill up vacant position in the post of Panchayat Secretaries in Vilathikulam Panchayat Union, a notification was issued in the National Career Service portal www.ncs.gov.in as well as in the



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District portal www.Thoothukkudi.tn.nic.in calling for applications from eligible candidates by strictly following the mandates of G.O.Ms.No.175 Rural Development and Panchayat Raj Department (E5) dated 05.12.2006. Insofar Kalugasalapuram village Panchayat is concerned, the post was reserved for Scheduled Caste-Woman as per 200 points roster by taking the district as a single unit. The age limit must be between 18 and 30 years extendable by 5 years for SCs and must have passed 10th standard and that he/ she must be a resident of the village and if no suitable candidate is available in the village, nearby villages must be given preference. The above notification was caused publication in 'Daily Thanthi' and 'Dinamani' dated 28.03.2018. The District Employment Officer, Thoothukudi who was requested to send a list of candidates as per the live register subscribing to the above conditions.

8.It is submitted that comparatively, both the 5th respondent herein and the Petitioner herein have studied up to Higher Secondary, are residing the same hamlet, the Petitioner herein married inter-caste, whereas the 5th respondent was not married. The 5th respondent has only her aged mother. The Petitioner is aged 25 years, whereas the 5th respondent is aged 33 years and may not get another chance to land herself on a job. Performance in the interview wise, the 5th respondent was found to be more suitable and hence by taking into consideration of the age factor, the family position and performance in the



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interview, the 5th respondent was favoured and on the Recommendation of appointment committee special officer of kalugasalpuram Vilage panchayat gave her appointment order which shall not be found faulted on trivialities. The contention of the Petitioner herein is totally baseless as she was not sponsored by the District Employment Exchange and that she did not belongs to the priority category as contended by her and more over the centre is reserved for SC-Women only and that in view of the stay order granted by this Hon'ble Court against G.O.Ms.No. 72 Rural Development and Panchayat Raj (E5) Department dated 09.07.2013 wherein the Tamil Nadu Village Panchayat Secretaries (Condition of Service) Rules, 2013 was notified, only G.O.Ms.No.175 Rural Development and Panchayat Raj Department (E5) dated 05.12.2006 was strictly followed by the Special Officer, Kalugasalapuram village Panchayat and since the Petitioner herein has no legal right to insist that out of 72 persons who attended interview, she should be given appointment and that the 5th respondent was preferred to other candidates including the Petitioner herein as she is more aged and performed well in the interview and hence the present petition is liable for dismissal inlimine.

7.It is seen from the records that Kalugasalapuram Village Panchayat is concerned, the post was reserved for Scheduled Caste Community-Woman. As per Rule 3(1) of the Tamil Nadu Village



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Panchayat Secretaries (Conditions of Service) Rules, 2013, the appointment to the post of Village Panchayat Secretary shall be made by direct recruitment through employment exchange. Rule 3(3) of the said Rules stipulates that the District concerned shall be the unit for applying as per law orders in force in the State for appointment on the basis of communal/women reservation for the post of Village Panchayat Secretary. Rule 5(1) of the said Rules stipulates that no person shall be eligible for appointment to the post if he/she has not completed 18 years and if he/she has completed or will complete 30 years of age on the first day of July of the year in which the selection for appointment to the post is made. In respect of candidates belonging to Backward Class/Most Backward Class/Scheduled Caste/Scheduled Tribe, the upper age limit shall be 35 years.

8.In the present case, the fifth respondent is aged 33 years and the petitioner was not sponsored by the District Employment Exchange and that she is not belonging to the priority category. Moreover, the centre is reserved for Scheduled Caste-Woman only. Therefore, the contention of the petitioner is totally baseless and there is no merit in this writ petition and the same is liable to be dismissed.



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9. In the result, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

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