



W.PNos.15761 of 2018 and 26458 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 13.11.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP(MD)Nos.15761 of 2018 and 26458 of 2019

and

W.M.P(MD)Nos.14119 and 14120 of 2018, 22882 to 22884 of 2019

Chinnappan Gnanajeyaseelan

... Petitioner in both cases

Vs.

1.The Personal Assistant to the Collector
(Development)
Dindigul District.

2.Block Development Officer,
(Village Panchayat)
Kodaikanal.

... Respondents in both cases

Common Prayer: Writ Petitions filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in Na.Ka.No.1621/2018/R.D.9 dated 29.05.2018 and quash the same and consequently directing the respondents to appoint the petitioner as Panchayat Secretary of Adukkam Village Panchayat, Kodaikanal Union, Dindigul District under Ex-serviceman quota.



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For Petitioner : Mr.SO.Paramasivam

For R1 & R2 : Mr.J.Ashok
Additional Government Pleader
(in both cases)

COMMON ORDER

Both the writ petitions are filed by the same petitioner. The writ petition in W.P(MD)No.15761 was filed challenging the rejection of the petitioner's application for the post of Panchayat Secretary. The other writ petition in W.P(MD)No.26458 of 2019 filed against the notification issued by the respondent earmarking the post of Panchayat Secretary for Adukkam Village under General category instead of Ex-serviceman priority.

2.Since the issue involved in the present writ petitions are one and the same, both the writ petitions are taken together for joint disposal.

3Heard Mr.SO.Paramasivam, learned counsel appearing for the petitioner and Mr.M.Sarangan, learned Additional Government Pleader appearing for the respondents.

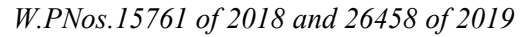
4.The learned counsel appearing for the petitioner would submit that the respondents have issued notification on 26.03.2018, calling for the post of Panchayat Secretary for Adukkam Village, and such post was reserved for



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the Ex-serviceman quota. It is the specific contention of the petitioner that according to G.O.Ms.No.988 dated 22.09.1981, the age limit for the Ex-serviceman to apply for the post is 48 years for General Category and for others it was 53 years. But ignoring the above G.O., the respondents issued notification fixing maximum age of 30 years, which is contrary to the Government Orders. Hence, prays to interfere with the rejection of the candidature to the said post. It is also the submission of the petitioner that during the pendency of the writ petition, since no suitable candidates were available to the post, the respondents issued another notification, in which, though they maintain the communal roster of general as per the earlier notification dated 26.03.2018, they failed to provide priority to the Ex-serviceman in the subsequent notification. Hence, prayed to interfere with the same.

5.Per contra, the said contention was stoutly objected by the learned Additional Government Pleader and would contend that no vacancy were filled in pursuance of the two notification dated 26.03.2018 and the notification dated 09.11.2019. Therefore, the question of rejection of the petitioner's candidature, which is impugned in the writ petition in W.P(MD)No.15761 of 2018, became infructuous in view of the second notification dated 09.10.2025. The learned Additional Government Pleader



6. Apart from the above submission, the learned Additional Government Pleader would submit that in the earlier notification though the maximum age is fixed as 30 years, the petitioner cannot challenge such age criteria, as the same was notified in accordance with the Tamil Nadu Village Panchayat Secretaries(Conditions of Service) Rules 2013, which is a special Rule. Therefore, the G.O., referred to by the petitioner cannot have any barring upon the above Rules framed under Section 102(1) of the Tamil Nadu Panchayat Act, 1994. Hence, he prays to dismiss the writ petition.

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8. Coming to the legal submission, no doubt according to the G.O as well as the condition of service under Section 63 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016, different age limit was given to the Ex-service man while competing for public employment. According to the Section 63 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, the maximum age limit for Ex-serviceman under General category is 50 years and for others is 55 years. But there is no mandatory requirement on the part of the authorities to follow the age limit prescribed under the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Though such age limit has to be followed by the authorities generally for a special reason or in view of any peculiar recruitment, they have got right to fix the different set of age criteria, which is being protected under Section 68 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, wherein it has been specifically mentioned that, if there is a contravention between the Special Rule and the Act 2016, the Special Rule will prevail.

9. In the case in hand, the learned Additional Government Pleader would invite the attention of this Court that the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules 2013, and would submit that such rule has been framed in exercise of power conferred by Section



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102(1) of the Tamil Nadu Panchayat Act. He also relies Rule 5 of the above Rules which stipulates the eligibility age. According to the above Rule, 30 years was the maximum age for the General category and for others, it is 35 years. Admittedly, on the date of notification, the petitioner was over aged and he was 42 years and therefore, the impugned rejection cannot be found faulted.

10. Coming to the challenge towards notification dated 09.11.2019 in W.P(MD)No.26458 of 2019 the learned Additional Government Pleader would submit that no vacancy was filled in pursuance of the said impugned notification and even for the post that had been called for in the impugned notification, a fresh notification was issued on 09.10.2025. Therefore, as rightly contended by the learned Additional Government Pleader, the cause urged in W.P(MD)No.26458 of 2019 also became infructuous. Therefore, both writ petitions are liable to be dismissed. Accordingly the same stand dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index : Yes/No

Neutral Citation : Yes/No

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