



W.P. No.50627/2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 07.01.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.50627 OF 2025

AND

W.M.P. NOS.56688 & 56689 OF 2025

K.Iswarya

.. Petitioner

- Vs -

1. The State of Tamil Nadu
Rep. By its Secretary
Rural Development & Panchayat Raj Dept.
Fort St. George, Secretariat
Chennai 600 009.
2. The State of Tamil Nadu
Rep. By its Addl. Chief Secretary to Govt.
Rural Development & Panchayat Raj Dept.
Fort St. George, Secretariat
Chennai 600 009.
3. The Commissioner
Rural Development & Panchayat Raj Dept.
Panagal Maligai, Saidapet
Chennai 600 015.
4. The District Collector &
District Level Appointment Committee
Collectorate, Cuddalore District
Cuddalore 607 001.
5. The Assistant Director (Panchayats)



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Cuddalore District, Cuddalore 607 001.

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6. The State of Tamil Nadu
Rep. By its Prl. Secretary to Govt.
School Education Department
Secretariat, Fort St. George
Chennai 600 009.

7. The Director of School Education
DPI Campus, College Road
Nungambakkam, Chennai 600 006.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari and mandamus to call for the records relating to (i) G.O. Ms. No.198, Rural Development & Panchayat Raj (E5) Dept., dated 04.09.2025; and (ii) District Notification No.4209/2025 dated 09.10.2025 issued by the 3rd respondent District Collector, Cuddalore, and quash the same, consequently direct the respondents to consider my candidature for the post of Village Panchayat Secretary in Cuddalore District afresh.

For Petitioner : Mr. M.Elumalai
For Respondents : Mr. P.Balathandayutham, Spl. GP

ORDER

Assailing the impugned Government Order in G.O. Ms. No.198, Rural Development & Panchayat Raj (E5) Dept., dated 04.09.2025 and the District Notification No.4209/2025 dated 09.10.2025 issued by the 3rd respondent



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District Collector, Cuddalore in and by which the selection criteria is solely based on the 10 standard marks to be arbitrary and discriminatory, irrational and violative of Articles 14 and 16 of the Constitution, the present writ petition has been filed.

2. Mr.Balathandayutham, learned Special Government Pleader takes notice for the respondents.

3. It is the case of the petitioner that the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2023 was published vide the Government Order in G.O. (Ms.) No.113, Rural Development and Panchayat Raj (E5) Dept., dated 13.09.2023 wherein Rule 3 provides for the appointment for Panchayat Secretaries shall be by direct recruitment and that the selection is to be carried out by means of open competitive recruitment process by a District Level Committee.

4. It is the further case of the petitioner that G.O. Ms. No.198, Rural Development and Panchayat Raj (E5) Dept., dated 4.9.2025 was issued prescribing guidelines for mode of selection and appointment of Village Panchayat Secretaries in which the prescription has been given as under :-



- (a) The sole academic criterion for selection shall be the marks obtained in the 10th standard examination;
- (b) 85% weightage shall be given to the 10 standard marks and 15% weightage shall be given for the interview;
- (c) A system-generated merit list shall be prepared purely on the basis of 10th standard marks (for converted marks/grades), without any rational normalization between different Boards, batches, or different schemes of examination; and
- (d) For the COVID-19 batch (2020-2021), in which no marks were awarded and only a pass certificate was issued, a uniform score of 66.67% is deemed for all such candidates.

5. It is the further case of the petitioner that the 4th respondent issued the impugned notification inviting online applications for 37 posts of Village Panchayat Secretary, specifying the qualification, priority categories and communal rotation and reservation and it further prescribed that the selection would be based on the aforesaid G.O. Ms. No.198.



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6. It is the further case of the petitioner that she belongs to Most Backward Class/Denotified Community and had passed 10th standard in March, 2008 under the Tamil Nadu State Board and she applied for the said post. It is the further case of the petitioner that she passed the 10th standard examination in March, 2008 under the then existing 'old system' of examination in which the evaluation pattern was predominantly theory-based for almost all subjects, including Science. She completed her 10 standard (SSLC) in the year 2008 and Higher Secondary Certificate (12th Standard – HSC) in the year 2010 and has scored very good marks and is eligible in all respect for consideration to the post of Village Panchayat Secretary as per the applicable rules.

7. It is the further case of the petitioner that on and from the year 2010, the syllabus and method of examination from Standards VI to X were substantially modified and so also the examination structure and evaluation pattern were significantly altered and there is a fundamental shift from the earlier old system of assessment to a more integrated evaluation model.

8. It is the further case of the petitioner that as a consequence of the changes introduced over the years to the education pattern and pattern of



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evaluation, two types of candidates exists within the State of Tamil Nadu, one under the old scheme, which is prior to the introduction of the Uniform System of Education and the one under the Uniform System of Education and also persons from various Boards such as CBSE, ICSE, State Boards, which all grade the candidates in different fashion.

9. It is the further case of the petitioner that her candidature was not shortlisted and that she was not called for the interview purely because under the unnormalised system of ranking based solely on raw 10th standard marks, persons belonging to later batches under the Uniform System of Education had obtained higher marks due to differing evaluation patterns and had a march over the other candidates belonging to the old scheme and the persons belonging to COVID-19 batch who were awarded marks irrespective of their individual merit and were integrated into the same merit pool.

10. It is the further case of the petitioner that comparing of raw marks across such different educational systems without any scientific normalization or standardization and treating them equivalently is wholly arbitrary, irrational and violative of Articles 14 and 16 of the Constitution. It is the further case of the petitioner that persons with higher educational accomplishments,



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including higher secondary certificate as well as relevant language proficiency and local knowledge have not been taken into account, which shows the perversity and arbitrariness of the selection process. Therefore, left with no alternative and efficacious remedy, the present petition has been filed.

11. Learned counsel appearing for the petitioner submits that without adopting normalization and standardization of marks between the old scheme and the Uniform System of Education, awarding equivalent marks to persons under the different streams is nothing but perpetuating inequality between the persons, who studied in different streams of education, as the persons from the older stream would not have had the benefit of higher marks, which the present generation who studied under the Uniform System of Education would have and who could secure higher marks. Therefore, the system adopted by the respondents for shortlisting the candidates is grossly perverse, arbitrary and unreasonable.

12. It is the further submission of the learned counsel that awarding an artificial score of 66.67% to persons, who had a pass only and belonging to the 2020-2021 batch, which was due to COVID-19 is ex facie arbitrary and unreasonable and such an award of marks grossly defeats the rights and



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curtails the chances of the persons, who had studied in previous years and under the old scheme.

13. It is the further submission of the learned counsel that though minimum qualification of 10th standard is fixed, however, only using the 10th standard marks as the decisive factor for ranking is perverse, as persons with higher qualifications like HSC or graduation have not been given any weightage for the said higher qualification and other experience and other skills, which would have a relevance in the discharge of duties.

14. It is the further submission of the learned counsel that no scientific and rational basis has been followed in the arriving of the marks and also in the fixing of the marks for the purpose of fixing the merit list as it is evident that there are systemic differences in the awarding of marks in various streams of education and also between the old system and the Uniform new system. The absence of normalization and standardization hits at the base of equivalency thereby rendering the whole process illegal and unreasonable.

15. It is the further submission of the learned counsel that when candidates from multiple Boards and batches, each with different marking



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schemes are pooled together for a common recruitment process it is necessary to adopt normalization, standardization or a common examination to ensure fairness and the adoption of crude system to take the total percentage of marks and fixing it at 85% is a manifestly erroneous approach, which hits at the base of the recruitment process.

16. It is the further submission of the learned counsel that the Government Order fixing the minimum qualification and adopting the marks obtained in the 10th standard as the sole criterion as a matter of administrative convenience gravely affects candidates, who have higher qualification and additional personal and professional experiences, which are required for the discharge of the work for which recruitment process is being conducted.

17. In fine it is the submission of the learned counsel that the system of recruitment based on 10th standard marks and interview for selection for the post of Village Panchayat Secretary is against the constitutional mandate of equivalence and, therefore, the impugned Government order and the notification pursuant thereto deserves to be quashed with a further direction to the respondents to adopt a more rationalized and standardized approach



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for the filling up of the posts and, therefore, prays for allowing the present petition.

18. Per contra, learned Special Government Pleader, who accepts notice on behalf of the respondents submitted that when the rule does not prescribe any particular method for selection and the selection is by direct recruitment, it is within the ambit of the appointing authority to prescribe the manner and the method in which the selection would be made. The issuance of Government Order on the basis of the same and the consequent notification issued by the 3rd respondent are within the bounds of legal propriety and ratio laid down by the Courts with regard to the manner in which recruitment is to be carried through for filling the public posts and there is no infirmity in the manner in which the posts are to be filled up and, therefore, no interference is warranted with the selection process and, accordingly, prays for dismissal of the present writ petition.

19. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.



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20. Before venturing into the merits of the issue, the law on the manner in which the recruitment process is to be taken up, when such recruitment is by way of direct recruitment, requires consideration.

21. In ***Chandigarh Administration thro' The Director, Public Instructions (Colleges), - Vs – Usha Kheterpal Waie & Ors. (2011 (9) SCC 645)*** the Apex Court held that it is within the domain of the rule making authority or the appointing authority to prescribe the mode of selection and minimum qualification for retirement. In this context, the Apex Court held thus :-

“22. It is now well settled that it is for the rule-making authority or the appointing authority to prescribe the mode of selection and minimum qualification for any recruitment. Courts and tribunals can neither prescribe the qualifications nor entrench upon the power of the concerned authority so long as the qualifications prescribed by the employer is reasonably relevant and has a rational nexus with the functions and duties attached to the post and are not violative of any provision of Constitution, statute and Rules. [See J.Rangaswamy vs. Government of Andhra Pradesh - 1990 (1) SCC 288 and P.U. Joshi vs. Accountant General - 2003 (2) SCC 632]. In the absence of any rules, under Article 309 or Statute, the appellant had the power to appoint under its general



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power of administration and prescribe such eligibility criteria as it is considered to be necessary and reasonable.”

22. Similar view has been adumbrated by the Apex Court as early as in the decision in ***P.U.Joshi & Ors. – Vs – Accountant General, Ahmedabad & Ors. (2003 (2) SCC 632)***, wherein, the Apex Court held thus :-

“10. We have carefully considered the submissions made on behalf of both parties. Questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotions pertain to the field of Policy and within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the Statutory Tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/subtraction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate departments



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or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing existing cadres/posts and creating new cadres/posts. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for ensuring or safeguarding rights or benefits already earned, acquired or accrued at a particular point of time, a Government servant has no right to challenge the authority of the State to amend, alter and bring into force new rules relating to even an existing service.”

23. The scope of judicial review in matters relating review of Governmental policy has been discussed by the Apex Court in ***Directorate of Film Festivals & Ors. – Vs – Gaurav Ashwin Jain & Ors. (2007 (4) SCC 737)***, wherein the Supreme Court held thus :-

“16. The scope of judicial review of governmental policy is now well defined. Courts do not and cannot act as Appellate Authorities examining the correctness, suitability and appropriateness of a policy. Nor are courts Advisors to the executive on matters of policy which the executive is entitled to formulate. The scope of judicial review when



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examining a policy of the government is to check whether it violates the fundamental rights of the citizens or is opposed to the provisions of the Constitution, or opposed to any statutory provision or manifestly arbitrary. Courts cannot interfere with policy either on the ground that it is erroneous or on the ground that a better, fairer or wiser alternative is available. Legality of the policy, and not the wisdom or soundness of the policy, is the subject of judicial review. [vide : Asif Hameed v. State of J&K MANU/SC/0036/1989 : [1989]3SCR19 ; Shri Sitaram Sugar Co. Ltd. v. Union of India MANU/SC/0249/1990 : - [1990]1SCR909 ; Khoday Distilleries v. State of Karnataka MANU/SC/0242/1996 : AIR1996SC911 , Balco Employees Union v. Union of India MANU/SC/0779/2001 : (2002)ILLJ550SC , State of Orissa v. Gopinath Dash MANU/SC/2387/2005 : AIR2006SC651 and Akhil Bharat Goseva Sangh v. State of Andhra Pradesh MANU/SC/1795/2006 : (2006)4SCC162].”

24. Recently, in ***The State of Maharashtra – Vs – Bhagwan & Ors.***

(MANU/SC/0025/2022 :: 2022 Live Law (SC) 28), the right of the employees of autonomous bodies to claim service benefits on par with Government employees was dealt with, wherein the Apex Court held thus :-

“10.2 In the case of T.M. Sampath and Ors. v. Secretary, Ministry of Water Resources and Ors. (supra), the employees of National Water Development Agency



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(NWDA), an autonomous body under the aegis and control of Ministry of Water Resources claimed the pensionary benefits on par with the Central Government employees. Refusing to allow such pensionary benefits to the employees of NWDA on par with the Central Government employees, in paragraphs 16 and 17, it was observed and held as under:

“16. On the issue of parity between the employees of NWDA and Central Government employees, even if it is assumed that the 1982 Rules did not exist or were not applicable on the date of the OM i.e. 1-5-1987, the relevant date of parity, the principle of parity cannot be applicable to the employees of NWDA. NWDA cannot be treated as an instrumentality of the State Under Article 12 of the Constitution merely on the basis that its funds are granted by the Central Government. In Zee Telefilms Ltd. v. Union of India [MANU/SC/0074/2005 : (2005) 4 SCC 649], it was held by this Court that the autonomous bodies having some nexus with the Government by itself would not bring them within the sweep of the expression "State" and each case must be determined on its own merits. Thus, the plea of the employees of NWDA to be treated on a par with their counterparts in the Central Government Under Sub-rule (6)(iv) of Rule 209 of the General Financial Rules, merely on the basis of funding is not applicable.””

25. Therefore, from the aforesaid decisions, there could be no quarrel

with the fact that insofar as recruitment is concerned, based on the rules,



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which is in force, it is within the domain of the rule-making authority/appointing authority to decide the manner in which the process of recruitment is to be taken up and the posts filled. Further, the scope of judicial review in such matters is very limited and unless arbitrariness and perversity is shown, the Courts shall not enter into the said controversy by exercising its powers of judicial review.

26. In the present case, there is no quarrel with the fact that the minimum educational qualification prescribed is 10th standard pass with which there is no grievance. The grievance expressed is only with regard to the manner of rating and the proportion of weightage given to such rating as according to the petitioner, normalization and standardization has not been adopted while weighing the marks obtained by the persons in different streams and also in different years, more particularly the fact that after the year 2010, the Uniform System of Education has been adopted, which prejudices the persons, who have underwent education in the old system.

27. It is to be pointed out that normalization under the same Board is not in vogue time immemorial and only between different Boards, the pattern of normalization or standardization has been adopted. The award of marks in



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the CBSE and ICSE Boards, as is generally accepted, are stringent, while in the State Board, it is not so very stringent.

28. The petitioner has had her education in the State Board and within State Board merely because the petitioner had completed her education in the year 2008 and on and from 2010, the Uniform System of Education has come into force, there could be no normalization or standardization. It is to be pointed out that such procedure of normalization or standardization could be only between different Boards, where the manner in which the marks are awarded is different. The petitioner could not seek for normalization or standardization of marks within the same Board, merely because she had taken the exams in the year 2008, while after the year 2010, persons have taken the exams under the Uniform System of Education pattern.

29. Further, it should not be lost sight of that day-in and day-out, though the pattern of education changes, the syllabus for the years ahead are going up and the knowledge level of the later generations would definitely be more than the present generation as they have to learn more and assimilate more and, therefore, their merit cannot be brushed aside, merely because of



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the Uniform System of Education on the ground that the syllabus and the manner of studies were different.

30. Further, insofar as the marks, which is given to the candidates belonging to COVID-19 batch, which is fixed uniformly at 66.67%, it should not be lost sight of that candidates with higher merit, who could have obtained even higher marks in the academics during the said academic year were robbed of the opportunity to write the examination due to the pandemic. Though certain persons may be beneficiaries of COVID-19, there are also losers on account of the pandemic and, therefore, normalization has been given to such type of persons, which was due to the fact that the pandemic was not within their control. Therefore, the said fixation of percentage for the COVID batch cannot be said to be flawed.

31. When the rules do not prescribe a specific method of selection except spelling out that it should be direct recruitment, it is open to the appointing authority to decide the method by which the said posts are to be filled up so long as it is not arbitrary, perverse or unreasonable. When a policy decision has been taken to fill up the posts by adopting the method as specified in the notification, which is uniform to all the persons, irrespective of



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the Board, the said method cannot be said to be erroneous or arbitrary unless the petitioners are able to show the perversity or the ulterior purpose which is writ large on the said selection method. To allege is one thing and to establish the same is another thing.

32. On the whole, a careful perusal of the entire papers placed by the petitioners coupled with the contentions advanced on behalf of the petitioner, no substantial ground is made out to hold that the method of selection adopted by the respondents is perverse, arbitrary or unreasonable and the mere grievance of the petitioner cannot be a ground to set at naught the selection process, which is otherwise in order. Therefore, this Court is of the considered view that the process of selection prescribed in the impugned Government order, which has been carried on in the impugned notification issued by the 3rd respondent cannot be said to be flawed, arbitrary or perverse and, therefore, the same does not require any interference at the hands of this Court.

33. For the reasons aforesaid, the writ petition fails and the same is dismissed. However, liberty is granted to the petitioner to challenge the



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rejection of her candidature, if so advised. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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