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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 15 / 07 / 2026

DELIVERED ON : 23 / 07 / 2026

CORAM:

**THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN
AND**

THE HON'BLE MR. JUSTICE R.SAKTHIVEL

W.P. (MD) No.35806 of 2025

and

W.M.P. (MD) Nos.13624, 13626 of 2026 & 28430 of 2025

Sathesh Kumar
S/o.Chellan
No.4/291, Peruvazhikadavu
Moolayarai,
Ponmanai Post,
Kanyakumari District.

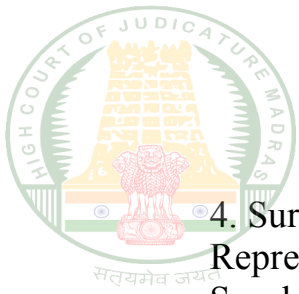
... Petitioner

Versus

1.The Principal Secretary to Government of Tamil Nadu
Rural Development and Panchayat Raj (E5) Department
St. George fort, Secretariat
Chennai.

2. The Commissioner,
Rural Development and Panchayat Raj Department,
Commissionerate,
Chennai.

3. The District Collector,
Kanyakumari District At Nagercoil.



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4. Surulacodu Village Panchayat
Represented by its Special Officer Mangala tharai
Surulacodu Mukampala post
Kanyakumari District.

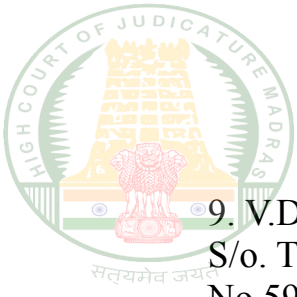
5.J.Abitha
W/o.Late.Anbarasan,
No.2-333/1, Kaliyamman Kovil
Street, Adhanur Village,
Papanasam Taluk, Thanjavur
District-612 301.

Note: Fifth respondent is
impleaded *vide* Order of this
Court dated April 29, 2026 in
W.M.P. (MD) No.6889 of 2026
in W.P. (MD) No.35806 of 2025
by NSKJ and MJRJ.

6. Mohammed Baijul Ali,
S/o. Late.D.Sapthar Ali
No.22C, Nearby Periya Pallivasal
Kollidam Mukootu, Sirkali-609111,
Mayiladuthurai.

7. P.Anushiya
W/o. A.Ajith Kumar
No.1-48, East Street, Thirumangalam, Karadikal
Madurai District.

8. B.Sanofarnisha
D/o. H.Barkath,
No.189/1, Muslim Street
Paramathi Post, Paramathi Velur Taluk,
Namakkal District.



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9. V.Dhanush Kumar

S/o. T.Velu

No.59, 15A/3, Perumal Street, Big Kanchipuram
Kanchipuram District.

10. R.Vishnupriya

D/o. S.Rajadurai

No.5/26, Vellazhar Street,
Nangur, Mayiladuthurai District.

11. D.Palani

S/o. K.Duraisamy

No.2/48, Keelur, Periyakannalapatti
Tirupathur-635654.

12. K.Jaya Mani

D/o. Krishnamoorthy

No.426/37A, Krishnapuram
Pulippar, Thiruppur-638460.

13. M.Magesh Kumar

S/o. Mahendran

No.369, Kattu Kollai
Vadamadurai, Tiruvallur- 601102.

14. P.Sithan

S/o. K.Palanichamy

No.3/34, North Street
V.Pudur, Valayapatti Panchayat
Chatravellalapatti Post
Vadipatti Taluk
Madurai District.

15. M.Velmurugan

S/o. M.Muniasamy,

Samathuvapuram,
Tharuvaikulam Post, Ottapidaram Taluk,
Thoothukudi District.



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16. P.Sharmila
D/o. K.Perichi
No.3/33, North Street
V.Pudur
Chatravellalapatti Post
Vadipatti Taluk
Madurai District.

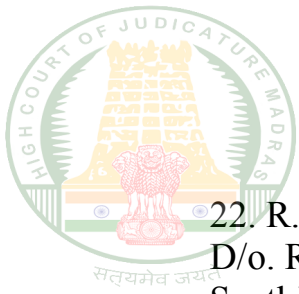
17. S.Senthamaraiselvi
W/o.R.Ganeshkumar
No.901, Middle Street
Periyathathur
Ariyalur.

18. K.Yamini
D/o. K.Kailasam
No.1/58, Anna Street
Mullipattu, Arni
Thiruvannamalai District.

19. M.Karthika
D/o. K.Muthukrishnan
No.718, East Street
Konnaiyampatti
Pudukkottai District.

20. K.Sowndharya
D/o. R.Kalimuthu
No.8A, Erachi Masthan Nagar
Dharapuram
Tiruppur District.

21. A.Anandharaj
S/o. P.Aindhunadu
West Street, Parathur
Karaiyavetti Post
Karaiyavetti
Ariyulur District.



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22. R.Abhirami
D/o. R.Ravi,
Senthil Nagar South, Anna Nagar, P.N.Road
Tiruppur, Tiruppur District.

23. T.Praveen Kumar
S/o. R.Tamilarasan
No.1/273, E.B.Office
Backside of Poovetha Leth
Madurai Road, E.B.Office,
Usilampatti, Madurai District.

24. G.K.Partheeban
S/o. G.Govindhasami
No.2/94, Govindhasami, Kovil Street, Komalur
Thirukoilur, Kallakurichi-606205

... Respondents

Note: Respondents - 6 to 24 are
impleaded *vide* Order of this
Court dated April 29, 2026 in
W.M.P. (MD) No.7034 of 2026
in W.P. (MD) No.35806 of 2025
by NSKJ and MJRJ.

PRAYER in W.P. (MD) No.35806 of 2026: Writ Petition filed under
Article 226 of the Constitution of India, praying to issue a Writ of
Declaration, declaring that the Rule 3 of Tamil Nadu Village Panchayat
Secretaries (Condition of Service) Rules, 2023 framed under G.O.(Ms).No.
113, (Rural Development and Panchayat Raj (E5) Department, dated
September 13, 2023 as null and void and consequently declare G.O.
(Ms).No.198, (Rural Development and Panchayat Raj (E5) Department,
dated September 04, 2025 is in valid and also consequently direct the third



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respondent not to proceed pursuant to the proceedings of the second respondent vide Na. Ka.No.71176/2023/F2 dated September 29, 2015 by directly recruiting or posting Panchayat Secretary to the fourth respondent Panchayat and also direct the respondents to permit the petitioner Panchayat to make appointments to its sanctioned posts strictly in accordance with the recruitment rules framed under G.O.(Ms).No.175, (Rural Development and Panchayat Raj (E5) Department, dated December 15, 2006 by retaining the Executive Authority of Village Panchayat as the appointing authority in terms of Articles 243B to 243G of the Constitution.

PRAYER in W.M.P. (MD) No.28430 of 2025: Writ Miscellaneous Petition is filed praying to stay the operation of Rule 3 of TamilNadu Village Panchayat Secretaries (condition of service) Rules, 2023 framed under G.O.Ms.No.113 (Rural Development and Panchayat Raj (E5) Department, dated September 13, 2023 and consequential proceedings initiated by respondents pursuant to G.O.Ms.No.113 pending disposal of the writ petition.

PRAYER in W.M.P.(MD).No.13624 of 2026: Writ Miscellaneous Petition is filed praying to implead the petitioner Association as party to the Writ Petition in W.P.(MD).No.35806 of 2025 as Respondent No.25.

PRAYER in W.M.P.(MD).No.13626 of 2026: Writ Miscellaneous Petition is filed praying to Vacate the interim stay granted W.M.P. (MD) No.28430 of 2025 in W.P.(MD) No.35806 of 2025 dated March 04, 2026.



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For Petitioner : Mr. K.P. Narayana Kumar
For Respondents 1 to 4 : M/s. B. Saravanan, Additional
Advocate General, assisted by Mr.
S.I. Muthiah, Counsel for the
State of Tamil Nadu
For Respondent-5 : Mr. S. Gurumurthy
For Impleading : Mr. S. Saravagan Prabhu
Petitioner
For Respondents 6 to 24 : V.George Raja (No appearance)

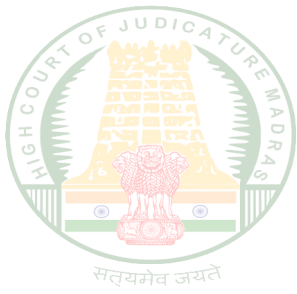
* * *

R.SAKTHIVEL, J.

ORDER

The captioned writ petition has been filed with the following prayer:

- "(i)** *To declare that Rule 3 of the Tamil Nadu Village Panchayat Secretaries (Condition of Service) Rules, 2023 framed under G.O. (Ms) No. 113, Rural Development and Panchayat Raj (E5) Department, dated September 13, 2023, as null and void;*
- (ii)** *To declare that G.O. (Ms) No. 198, Rural Development and Panchayat Raj (E5) Department, dated September 04, 2025, as invalid;*
- (iii)** *To direct the third respondent not to proceed pursuant to the proceedings of the second respondent vide Na. Ka. No. 71176/2023/ F2 dated September 29, 2025 by directly recruiting*



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or posting a Panchayat Secretary to the fourth respondent - Panchayat;

(iv) To direct the 'respondents' (sic, read as 'respondents 1 to 3') to permit the 'petitioner' (sic, read as 'fourth respondent') - Panchayat to make appointments to its sanctioned posts strictly in accordance with the recruitment rules framed under G.O. (Ms) No. 175, Rural Development and Panchayat Raj (E5) Department, dated December 15, 2006, by retaining the executive authority of the Village Panchayat as the appointing authority in terms of Articles 243B to 243G of the Constitution of India;

(v) To pass such further or other orders as this Court may deem fit and proper in the circumstances of the case and thus render justice."

2. The writ petitioner has filed an affidavit in support of the writ petition, wherein it has been stated that he is residing in Surulacodu Village Panchayat, Thiruvattar Union, Kanyakumari District. The petitioner contends that the post of Panchayat Secretary in Surulacodu Village Panchayat and five other Panchayats in Thiruvattar Union are



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vacant. The petitioner has passed 10th standard with 221 out of the total 500 marks. His legitimate expectation to acquire the post of Panchayat Secretary of Surulacodu Village Panchayat has been curtailed by the action of the State in framing Rule 3 of 'the Tamil Nadu Village Panchayat Secretaries (Condition of Service) Rules, 2023' ['2023 Rules' for brevity], as per which, appointment to the posts of Panchayat Secretary are to be made by direct recruitment by the District Level Committee through an open and competitive recruitment process with adherence to reservation policies and even a non-resident of the respective village is eligible for appointment to the said posts.

2.1. Further the petitioner states that the second respondent, who is the Commissioner of Rural Development and Panchayat Raj Department, *vide* Na. Ka. No. 71176/2023/F2 dated September 29, 2025, directed the District Collectors in the State to fill up the vacancies to posts of Panchayat Secretary in all the Panchayats by considering the District as one unit and further directed to invite applications from the candidates.



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2.2. Further the petitioner states that, the first respondent, who is the Principal Secretary to the Government, Rural Development and Panchayat Raj Department (E5), pursuant to Rule 3 of the 2023 Rules, issued guidelines for mode of selection and appointment of Village Panchayat Secretaries *vide* G.O. (Ms) No. 198, Rural Development and Panchayat Raj (E5) Department, dated September 04, 2025.

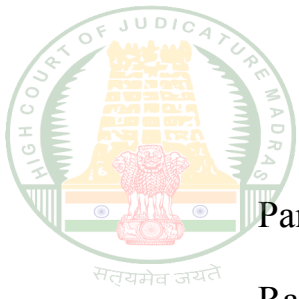
2.3. According to the petitioner, the aforesaid Rule 3 of 2023, pursuant directions and guidelines are not only arbitrary, disproportionate and *ultra vires*, but also violative of the principle of self-government of Panchayat under Article 243(d) read with Article 243B of the Constitution of India. Further, the petitioner finds them contrary to the definitions of 'Panchayat' and 'Panchayat Area' under Articles 243 (d) and 243 (e) respectively. Further, the petitioner contends that, considering all the Panchayats in a District as one unit, violates the basic structure of the Constitution of India. Hence, the writ petition.



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3.Mr.K.P.Narayana Kumar, learned Counsel appearing for the writ petitioner would contend that, each Panchayat is a separate and independent institution of self-government under Part IX of the Constitution of India. The Government of Tamil Nadu issued G.O. (Ms) No. 175, Rural Development and Panchayat Raj (E5) Department, dated December 05, 2006, whereby the Panchayat President was made the appointing authority for the posts of Panchayat Assistant / Part-time Clerk. Later, the said post was renamed as Panchayat Secretary and converted into a full-time post. The newly framed Rule 3 of the 2023 Rules infringes upon the power of self-government of Panchayats. The power of Panchayat President has been curtailed, it has been taken away, by way of the impugned Rule 3. Further, Rule 3 (iii) and Rule 3 (iv) of 2023 Rules are contradictory to each other. He would further contend that there is no guarantee that the District Level Committee, which is to select the Panchayat Secretaries, would act in a free and fair manner. There is every possibility that the selection could be politically influenced. Such a selection would be a threat to the very idea of



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Panchayat as an institution of self-government through the Panchayat Raj System and violative of the very spirit of Part-IX of the Constitution of India. Accordingly, he would pray to allow the writ petition as prayed for.

4.On the other hand, Mr.B.Saravanan, learned Additional Advocate General assisted by Mr.S.I.Muthiah, learned State Counsel, appearing for respondents 1 to 4, would submit that Section 102 of 'the Tamil Nadu Panchayat Act, 1994 [Tamil Nadu Act No.21 of 1994]' ['T.N.P.A. Act' for short] acts as the source of power for the Government to frame the 2023 Rules. 2023 Rules does not violate or infringe upon the Part IX of the Constitution of India in any manner. The 2023 Rules in no way affects the self-government of Panchayats.

4.1. Further, he would invite attention to the proviso to Section 106 of the T.N.P.A. Act and submit that even though the executive authority / Panchayat President has the powers to punish its servants for breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct, an exception is carved out in the case of Panchayat Secretaries, where the authorised officer by the



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Government holds such powers. If in case any Panchayat Secretary disobeyed or violated rules or committed any misconduct or committed any neglect act, the Panchayat President can very well complain before the authorised officer for taking Disciplinary Proceedings or any other suitable actions. Further, any full-time recruitment in a public office shall be made only after widespread public notice through newspaper publications, display on public office notice boards, *etc.*, and by inviting applications from employment exchanges. Reservation policies must also be followed during such appointments. Keeping all these in mind, in order to ensure effective administration and transparent selection with equal opportunity to everyone, the 2023 Rules has been framed.

4.2.He would further invite attention to Section 201 of the T.N.P.A. Act and submit that the statute itself provides some check and balances to provide effective administration of Panchayats. If selection to the posts of Panchayat Secretary is made at Panchayat level by the Panchayat President, it would not be possible to follow reservation policies. Further, given that the Panchayat President's tenure is only 5 years, the continuity and accountability of persons so selected and

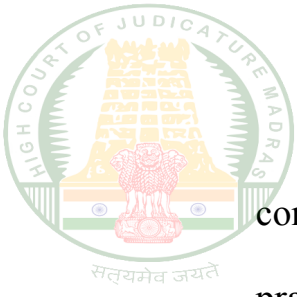


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appointed as Panchayat Secretaries by the Panchayat President, would be uncertain. Further, selection at the hands of Panchayat President, could result in appointments as per one's own whims and fancies which is a threat to proper governance, especially at rural levels.

4.3.He would further contend that, as per the guidelines issued pursuant to the 2023 Rules *qua* selection of Panchayat Secretaries, the selection is based primarily on SSLC Mark (85%); and basic knowledge on local bodies (10%) and personality (5%) as observed through a personal interview are taken as additional criteria. Impugned Rule 3 and pursuant guidelines are well within the powers of the Government and are not violative of Part-IX of the Constitution of India, or Article 243D read with Article 243B of the Constitution of India. Stating so, he would pray to dismiss the writ petition.

5.Mr.Gurumoorthy, learned Counsel appearing for the fifth respondent, and Mr.S.Sarvagan Prabhu, learned Counsel for the impleading petitioner - Association in W.M.P. (MD) No.13624 of 2026, reiterate the averments made by the learned Additional Advocate General. Mr.S.Sarvagan Prabhu in addition reiterates the averments



contained in the affidavit filed in support of Impleading Petition and prays to implead the petitioner - Association in the writ petition.

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6. Heard on either side. Perused the materials available on record.

7. A three-tier Panchayat system is contemplated under the T.N.P.A. Act viz., Panchayat at district level, Panchayat at union or block level and Panchayat at village level. Section 102 thereof *inter-alia* empowers the State Government to frame service rules governing the employees in Village Panchayat. For ready reference, Section 102 of the T.N.P.A. Act is extracted hereunder:

"102. Conditions of service of officers and servants of Panchayats.-

(1) The Government shall have power to make rules regarding the authorities who may appoint the officers and servants of Panchayats, other than the Commissioners and the Secretaries and the classification, method of recruitment, pay and allowances, discipline and conduct and conditions of service of such officers and servants. Such rules may



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provide for the constitution of any class of officers or servants of Village Panchayats, Panchayat Union Councils and the District Panchayats, as the case may be, other than the Commissioners and the Secretaries, into a separate service for the whole or any part of the state.

(2) Subject to the provisions of this Act and any Rules which the Government may make in this behalf, the Panchayat Union Council or the District Panchayat, as the case may be, may frame regulations in respect of the officers and servants on the staff of the Panchayat Union Council or the District Panchayat,-

- (a) fixing the amount and nature of the security to be furnished;*
- (b) prescribing educational and other qualifications;*
- (c) regulating the grant of leave, leave allowances, acting allowances and traveling allowances;*
- (d) regulating the grant of pensions and gratuities;*
- (e) establishing and maintaining Provident Funds and making contributions thereto compulsory;*
- (f) regulating conduct; and (g) generally prescribing*



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conditions of service:

Provided - (i) that the grant of any leave, leave allowances, traveling allowances, pension or gratuity provided for in such regulations shall in no case, without the special sanction of the Government exceed what would be admissible in the case of Government servants of similar standing and status;

(ii) that the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction, be more favourable than those for the time being prescribed for such Government servants.

(3) A Rule may be made under sub-section (1) in so far as it relates to officers and servants of Village Panchayats and Panchayat Union Councils, so as to have retrospective effect on and from a date not earlier than the date of commencement of this Act."

8.Three categories of employees are engaged in Village Panchayat, namely (i) Village Panchayat Secretary [full-time], (ii) *Thooimai Paniyalargal* [Sanitary Workers] [full-time], and (iii) Over-Head Tank [OHT] Operators [part-time].



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9. Before the year 2006, Panchayat Assistants and Part-time Clerks were employed in Village Panchayat on a consolidated pay basis. The State Government of Tamil Nadu *vide* G.O. (Ms) No. 175, Rural Development and Panchayat Raj (E5) Department, dated December 15, 2006, shifted them from consolidated pay to time-scale of pay. Full time Panchayat Assitants were designated as 'Panchayat Assistant – Level 1' and part time clerks become Full-time Panchayat Assistant and were designated as 'Panchayat Assistant Level-2'. Their duties and responsibilities were also fixed by the Government. The Village Panchayat President was their appointing authority. Higher Secondary Education was set as minimum qualification. Another qualification was that the candidate shall be a resident of that particular village and in case of non-availability of a suitable candidate in that particular village, candidates from adjacent villages may be considered. Privileges such as pensionary benefit, selection grade, compassionate appointment for legal heirs, provident funds and enhancement of earned leave are not applicable for the aforesaid posts. They were working under the administrative control of the Panchayat Presidents. This Court deems fit



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to the extract hereunder the duties and responsibilities of Panchayat Assistants and Part-time Clerks as provided under G.O. (Ms) No.175, Rural Development (Panchayat) Department, dated December 5, 2006:

"Duties and Responsibilities"

- i. *Preparation and dispatch of tax demand notices.*
- ii. *Collection of revenue, including Panchayat taxes, and the maintenance of receipt books and other related registers.*
- iii. *Collection of fees pertaining to offensive and hazardous trades.*
- iv. *Maintaining Registers 1 through 31, covering revenue and expenditure, including the Cash Book.*
- v. *Maintaining the Panchayat's Asset Register.*
- vi. *Making arrangements for the Panchayat's monthly meetings.*
- vii. *Making arrangements for Gram Sabha meetings.*
- viii. *Forwarding Panchayat resolutions to the Block Development Officer (Panchayat) and the Assistant Director (Panchayat).*

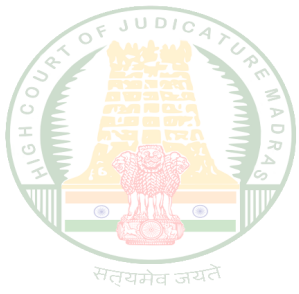


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- ix. *Numbering payment vouchers, recording entries in the Cash Book, and submitting reports to the Extension Officer (Panchayat), Deputy Block Development Officer, Block Development Officer (Panchayat), or Assistant Director (Panchayat).*
- x. *Assisting the Village Panchayat President in maintenance activities, including water supply, street light maintenance, and road maintenance within the Panchayat, as well as in the implementation of schemes introduced by the Central and State Governments.*
- xi. *Preparing the Panchayat's annual budget.*
- xii. *Maintaining registers pertaining to Village Panchayat roads, Panchayat Union roads, and Panchayat Poramboke (communal) lands.*
- xiii. *Maintaining the wage disbursement register for Panchayat employees.*
- xiv. *Handling all clerical duties related to the Village Panchayat.*
- xv. *Maintaining the Daily Worker Attendance Register (NMR) under the National Rural Employment Guarantee Scheme.*



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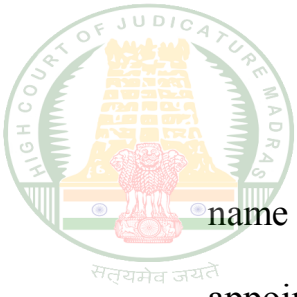


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xvi. Performing other duties assigned by the Government, the Director of Rural Development and Panchayat Raj, or the District Collector."

10. Subsequently, the nomenclature was changed from 'Panchayat Assistant' to 'Panchayat Secretary' and a special pay of Rs.500/- in addition to special time-scale of pay was provided, *vide* G.O. (Ms) No.52, Rural Development and Panchayat Raj (E5) Department, dated August 29, 2011. Thereafter, considering the increase in their duties and responsibilities, in the year 2013, the Government of Tamil Nadu by exercising powers conferred under sub-section (1) of Section 102 of the T.N.P.A. Act, made 'the Tamil Nadu Village Panchayat Secretaries (Condition of Service) Rules, 2013' ['2013 Rules' for brevity], whereof Rule 3 provided that appointment to the post of Panchayat Secretary is to be made through direct-recruitment through employment office and for the said purpose, the Personal Assistant [Development] to the District Collector shall be the appointing authority and they shall call for a list of suitable candidates from the District Employment Exchange office duly indicating the qualifications and the

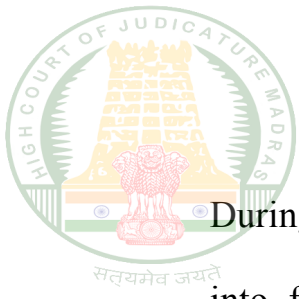
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name of the Village Panchayat. It also provided that, for the purpose of appointment of Panchayat Secretary, each District shall be considered as one unit and reservation policies shall be followed. SSLC Pass or qualification equivalent thereto was prescribed as minimum educational qualification. Another qualification was that the candidate shall be a resident of that particular village and in case of non-availability of such a candidate within the village, eligible candidates from adjoining village panchayat of the same block shall be considered. Further various other qualifications were also prescribed which are not of much relevance in this writ petition. The Panchayat President, who is the Executive authority notified under Section 83 of the T.N.P.A. Act, has administrative control over the Panchayat Secretary. The appointing authority, who as stated above is the Personal Assistant [Development] to the District Collector, has power to suspend and impose penalties on delinquent Panchayat Secretary as well, and the District Collector is the appellate authority for appeals thereto.

11. At this juncture, this Court would like to note that a batch of writ petitions in W.A. (MD) No.1772 of 2023 and W.P. (MD) Nos.7851 & 12032 of 2014, 16884 of 2013, were filed challenging the 2013 Rules.



During the pendency of the said writ petitions, the 2023 Rules were brought into force replacing the 2013 Rules. Hence, noting the same, the writ petitions were disposed of by this Court.

12.Part IX of the Constitution of India *inter-alia* deals with Panchayats. The main contention of the writ petitioner is that the 2023 Rules infringes upon the power of self-government provided to Panchayat under Part IX of the Constitution of India. According to the writ petitioner, the act of the Government in depriving the power of Panchayat President to appoint Panchayat Secretary and vesting the same with the District Collector is a significant interference and infringement of the Panchayat as an institution of self-government as contemplated under Part IX of the Constitution of India.

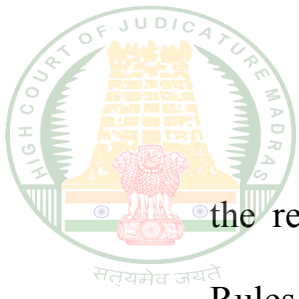
13. A bare perusal of Part IX of the Constitution would show that Panchayat has been described as an institution of self-government thereunder. It can also be seen that the basic framework of Part IX *qua* Panchayats, is such that it empowers the State Government to make laws on various aspects of Panchayats, including constitution, composition,



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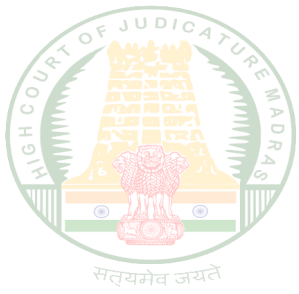
reservation, powers, responsibilities, *etc.*, in order to enable, establish and facilitate self-government by Panchayats. Accordingly, the Government of Tamil Nadu has framed the T.N.P.A. Act, whereof Section 102 (extracted above), bearing the heading "Conditions of service of officers and servants of Panchayats", provides that the Government has the power to frame Rules *qua* appointing authorities, method of recruitment, pay and allowances, classification, discipline, conduct, and conditions of service, in respect of officers and servants of Panchayat. The 2023 Rules were framed under such power vested with the Government in terms of Section 102 of the T.N.P.A. Act.

14. The writ petitioner's main point of attack is Rule 3 of the 2023 Rules. It bears the heading "Appointment" and provides that recruitment to the post of Panchayat Secretary shall be done by the District Level Committee by direct recruitment through an open and competitive process. It further provides that reservation policy of the State as provided under Tamil Nadu Government Servants (Conditions of Service) Act, 2016 [Tamil Nadu Act No.14 of 2016] shall be applicable to the appointment to the post of Panchayat Secretary and also that the Panchayat Secretary shall reside in



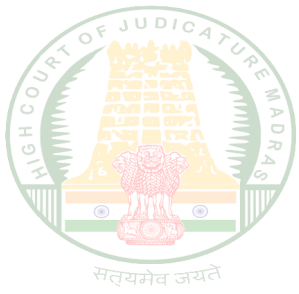
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the respective Village Panchayat. As it can be seen, Rule 3 of the 2023 Rules is well within the scope of the power vested upon the Government under Section 102 of the T.N.P.A. Act; it stipulates only the recruiting authority, the mode of recruitment, applicable reservation policy and conditions of service and nothing more. Further, Rule 4 of the 2023 Rules provides that the appointing authority shall be the Executive authority of the Village Panchayat, who is none other than the Panchayat President as notified *vide* G.O. (Ms) No.225 Rural Development (C.I.) Department, dated October 15, 1996. Thus, it is clear that, as per the scheme under the 2023 Rules, only the selection / recruitment of the Panchayat Secretary is vested with the District Level Committee consisting of the District Collector and others. The appointing authority for the Panchayat Secretary lies in the hands of Panchayat Presidents of the respective Panchayat. Further, as a matter of fact, even earlier under the scheme of 2013 Rules, the Panchayat Presidents were not vested with the power of recruitment of Panchayat Secretaries; they were not even the appointing authority under the 2013 Rules. It was the Personal Assistant (Development) to the District Collector who was responsible for recruitment as well as appointment of Panchayat Secretaries under the 2013 Rules.



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15. That apart, while in general, in service law, power to appoint means power to suspend or dismiss as well, in the case of Panchayat Secretaries, this general principle would not apply in view of the statutory provision under the proviso to Section 106 of the T.N.P.A. Act, as per which, even though the Panchayat Presidents are the appointing authorities for Panchayat Secretaries, they do not hold the powers to dismiss, suspend or take disciplinary actions and such powers are vested with the authorised officer contemplated thereunder. Nonetheless, the Panchayat President would continue to exercise administrative control over the Panchayat Secretary and he/she can very well raise their concerns / complaints against the Panchayat Secretary before the authorised officer for appropriate action. Given that Panchayat Secretary remains under the administrative control of the Panchayat President, which includes sanctioning of monetary increments, this provision provides a check and balance mechanism. A system of checks and balances ensures fairness and helps prevent arbitrariness, which would only promote the accountability, transparency and efficiency of the Panchayat administration and in no way threaten its power of self-government.

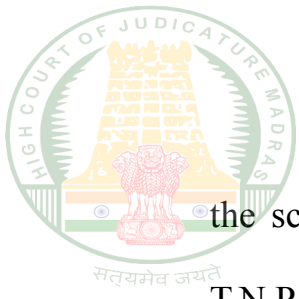


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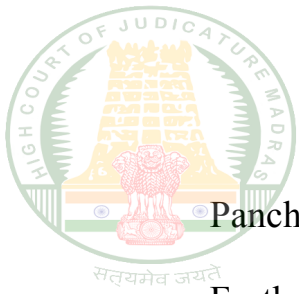
16.As regards the guidelines for mode of selection and appointment of Panchayat Secretaries issued pursuant to Rule 3 of 2023 Rules *vide* G.O. (Ms). No. 198, Rural Development and Panchayat Raj (E5) Department, dated September 04, 2025, they provide for reservation category wise age limit. They further provide the evaluation criteria, whereunder it is provided that 85% of the evaluation marks shall be based on the candidate's SSLC mark, 10% shall be based on the assessed knowledge on local bodies through interview and 5% shall be based on the candidate's personality as assessed in the interview. The guidelines further provide that wide-spread public notice shall be issued through newspaper publication and other means and that suitable applications may be called for from employment exchanges as well. The guidelines touch upon some other aspects as well, which are not relevant for the purpose of this writ petition and hence, need not be discussed.

17.As it could be seen from the above, as both the 2023 Rules and the guidelines issued pursuant thereto deals only with the mode and process of recruitment, reservation, conditions of service, *etc.*, they are well within



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the scope of Part IX of the Constitution of India and Section 102 of the T.N.P.A. Act. Neither of them exceed the scope of powers vested with the State Legislative under Part IX of the Constitution of India and Section 102 of the T.N.P.A. Act. They are reasonable and not arbitrary in nature. They, in fact, further the idea of Panchayat self-government and better administration when compared to the earlier Rules *viz.*, 2013 Rules. While under the 2013 Rules, the Personal Assistant [Development] to the District Collector was the appointing authority *qua* Panchayat Secretaries, the 2023 Rules made the Panchayat President as the appointing authority for the post of Panchayat Secretary. Further, in the 2013 Rules, under Rule 5(2)(ii), it was provided that a candidate must be a resident of the Village Panchayat in order to be eligible for appointment as Panchayat Secretary. But in the 2023 Rules, under Rule 3(2)(V), it has only been made as a service condition that the Panchayat Secretary shall be a resident of the Village Panchayat, which means after appointment, the Panchayat Secretary shall reside in the respective Village Panchayat. While the eligibility condition that one must be a resident could be unreasonable, for it hinders providing equal opportunity to a wide range of people and choosing the best among them, the service condition that the Panchayat Secretary shall reside in the Village

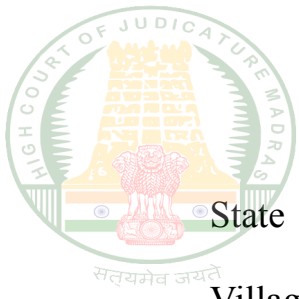


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Panchayat is reasonable given the nature of their duties and responsibilities.

Furthermore, under the 2023 Rules, the Panchayat Secretaries are to be trained at the Regional Institute of Panchayat Raj or any other institution as ordered by the Government, and are supposed to pass a test at the end of such training. Besides, they are also supposed to qualify departmental tests conducted by the Tamil Nadu Public Service Commission on the T.N.P.A. Act, relevant Rules and the Constitution of India. These would help ensure the fitness of Panchayat Secretaries for their posts and improve their efficiency level as well. If Panchayat Secretaries are to be recruited by the respective Panchayat Presidents, such level of competence and human resource development cannot be ensured. Moreover, the post of Panchayat Secretary being only one in each Village Panchayat, if Panchayat President is to recruit the Panchayat Secretary, it would not be possible to follow reservation policies [Vide Judgment of Hon'ble Supreme Court in ***Post Graduate Institute of Medical Education & Research, Chandigarh -vs- Union of India***, reported in (1998) 4 SCC 1].

18.By framing the 2023 Rules and providing an open and competitive method of recruitment for the posts of Panchayat Secretary, the



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State Government is in no way infringing upon the core functions of the Village Panchayat nor undermining its power. On the other hand, the Government is trying to regulate and standardise public employment in a manner that would ensure effective administration at Panchayat level and thereby support Panchayat as an institution of self-government. Hence, considering a district as one unit for the purpose of appointment of Panchayat Secretaries would in no way infringe upon Part IX of the Constitution of India nor does it violate the basic structure doctrine.

19.As regards the contention regarding political influence in District Level Committee, the recruitment process is contemplated to be an open and competitive one. Further, the evaluation criteria is also clearly set under the 2023 Rules; 85% of the evaluation marks is based on the candidate's SSLC Marks and only 15% is based on the interview. The 15% as well is clearly split between knowledge on local bodies (10%) and personality (5%). Furthermore, recruitment is to be made only after wide-spread public notice as per the guidelines issued pursuant to Rule 3 of 2023 Rules *vide* G.O. (Ms). No. 198, Rural Development and Panchayat Raj (E5) Department, dated September 04, 2025. In these circumstances, the



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apprehension of political influence or any influence for that matter in the recruitment process of Panchayat Secretary as provided by 2023 Rules and pursuant guidelines, is misconceived and unreasonable. On the other hand, if the recruitment is to be vested with the hands of Panchayat President as claimed by the writ petitioner, it is only then fairness, impartiality and transparency would be in question, as there is every possibility that the Panchayat President, being the sole recruiting authority enjoying unfettered discretion without any fixed criteria, makes recruitments as per their own whims and fancies.

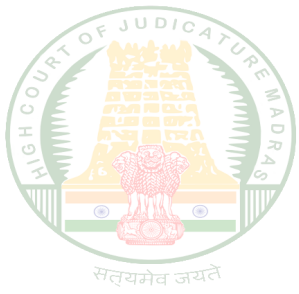
20. At this point, this Court would like to cite here the Judgment of Hon'ble Supreme Court in the case of *Excise Superintendent, Malkapatnam -vs- K.B.N. Vishweshwara Rao*, reported in (1996) 6 SCC 216, wherein with a view to serve the fair-play and maintain equality of opportunity in the matter of employment to all eligible candidates, it was held that it is mandatory for the questioning authority / establishment to intimate the employment exchange, which in turn, is supposed to sponsor the names of the candidates to the questioning departments strictly in accordance with seniority and reservation, as per requisition. It was further held that, the appropriate department / establishment, shall call for the



names by publication in the newspapers having wider circulation and also display on their office notice boards or announce on radio, television etc, and then they are supposed to consider the candidatures of all the candidates.

21.Following the afore-cited Judgment of the Hon'ble Supreme Court as well as some other Judgments of Hon'ble Supreme Court and this Court, this Court in ***Commissioner, Department of Employment and Training -vs- K.P.Jaganathan*** (Full Bench) in ***W.A. No.1027 of 2013*** dated ***June 9, 2014***, held thus:

"14. It is also relevant, at this juncture, to note that the Three Judge Bench of the Hon'ble Supreme Court, in the decision reported in 2014 (2) SCALE 262 [Renu and others v. District & Sessions Judge, Tis Hazari and another] reiterated the above said proposition of law and gave a direction to all the High Courts to comply with the purport of Articles 14 and 16 of the Constitution of India while filling up of any vacant post either in the High Court or in the Subordinate Courts throughout the India. In the said decision, the Hon'ble Supreme Court held that "post shall be filled up by issuing the advertisement in atleast two newspapers and one of which must be in



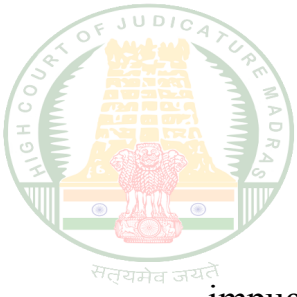
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vernacular language having wide circulation in the respective State, apart from calling for a list from the local employment exchange and any vacancy filled up without advertising as prescribed, shall be void ab-initio and would remain unenforceable and inexecutable except the appointment on compassionate grounds, as per the Rules applicable"."

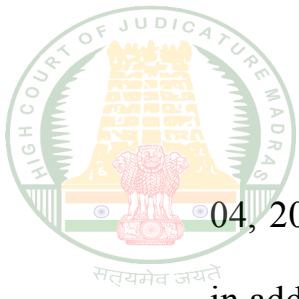
22. Notably, the Government of Tamil Nadu, *vide* G.O. (Ms) No. 44, Labour and Employment (D2) Department, dated March 11, 2015, upon careful examination, decided to implement afore-cited Judgment of this Court and accordingly, issued directions to the Secretaries of various Departments to adhere to the Judgment while filling up vacancies in their respective Departments. The guidelines issued pursuant to Rule 3 of 2023 Rules *vide* G.O. (Ms). No. 198, Rural Development and Panchayat Raj (E5) Department, dated September 04, 2025, *inter-alia* stipulate wide-spread public notice through at least two newspaper publications of which one must be vernacular newspaper, and call for applications from employment exchange, which are in tune with the Judgments of the Hon'ble Supreme Court and this Court.



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23.In view of the foregoing narrative, this Court holds the impugned 2023 Rules and the pursuant directions and guidelines are not violative but in tune with Part IX of the Constitution of India as well as the Judgments of Hon'ble Supreme Court and this Court. Therefore, the writ petition is liable to be dismissed. The Impleading Petition in W.M.P. (MD) No.13624 of 2026 filed praying to implead the 'Tamil Nadu Panchayat Secretaries Association' as a party to the writ petition, is closed in view of the final decision of this Court in the writ petition.

24.Before parting with the Judgment, learned Additional Advocate General would submit that the recruitment process under the 2023 Rules for filling up nearly 1483 vacancies in the posts of Panchayat Secretary commenced and about 3 Lakh applications were received and interview is yet to be conducted. But there is no information available before this Court as to whether wide-spread public notice through a minimum of two newspaper publications (one vernacular) was given. Hence, if such newspaper publications were not published in terms of the guidelines issued pursuant to Rule 3 of 2023 Rules *vide* G.O. (Ms). No. 198, Rural Development and Panchayat Raj (E5) Department, dated September



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04, 2025, the same shall be duly issued, and applications shall be received in addition to the already received 3 Lakh applications (approximately), and the authorities shall proceed further with the recruitment. New vacancies that might have arisen now may also be included in such newspaper publications if so desired.

CONCLUSION

25. Resultantly, the writ petition is dismissed with the above observation.

25.1.The Impleading Petition in W.M.P. (MD) No.13624 of 2026 shall stand closed.

25.2.The Stay Petition and Vacate Stay Petition in W.M.P. (MD) No.28430 of 2025 and W.M.P. (MD) No.13626 of 2026 respectively, shall stand closed.

25.3.In view of the facts and circumstances of this case, there shall be no order as to costs.

(C.V.K.,J.)

(R.S.V,J.)

23 / 07 / 2026

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes



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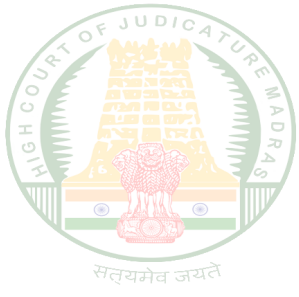
To

1. The Principal Secretary to Government of Tamil Nadu,
Rural Development and Panchayat Raj (E5) Department,
St. George fort, Secretariat,
Chennai.

2. The Commissioner,
Rural Development and Panchayat Raj Department,
Commissionerate,
Chennai.

3. The District Collector,
Kanyakumari District At Nagercoil.

4. Surulacodu Village Panchayat,
Represented by its Special Officer Mangala tharai,
Surulacodu Mukampala post,
Kanyakumari District.



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C.V.KARTHIKEYAN, J.
AND
R.SAKTHIVEL, J.

gvn

PRE-DELIVERY JUDGMENT MADE IN
WP. (MD) No.35806 of 2025

23 / 07 / 2026