

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.19878 of 2015 and
M.P.Nos.1 and 2 of 2015

A.Sathya

... Petitioner

vs.

1.The Principal Secretary,
Rural Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director,
Rural Development Department,
Panagal Building,
Saidapet, Chennai.

3.The District Collector,
Collectorate, Salem.

4.The Block Development Officer,
Panchayat Union,
Kollathur, Salem District.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified mandamus, to call for the records relating to the impugned order passed by the 4th respondent in his proceedings in Na.Ka.No.595/2015/A1 dated 23.06.2015 published in Tamil Daily Thinathanthi, on 25.05.2015 in Salem Edition, to quash the same and consequently direct the 4th respondent to pass final order in respect of interview held on 05.05.2015 based on Na.Ka.No.595/2015/A1 dated 21.04.2015.

For Petitioner : Mr.S.Periasamy

For Respondents : Mr.S.Gunasekaran
Government Advocate

O R D E R

The third respondent, Viz., District Collector, Salem, issued a Letter Memorandum in Na.Ka.No.2007/2015/T-3 directing the 4th respondent to fill up the following vacancies in the Panchayat Unions:-

Office Assistant - 4 vacancies

i) Gengavalli ii) Sangagiri iii) Edappadi iv) Konganapuram

Watchman - 5 vacancies

i) Ayodhipattinam ii) Vazhapadi iii) Pedhanaickenpalayam

iv) Athur v) Kolathur.

2. Based on the above, the name of the petitioner was sponsored by the Salem Employment Exchange. Thereafter, the 4th respondent sent a call letter dated 19.03.2015 to the petitioner herein to appear for interview on 30.03.2015 for the post of Night Watchman. Subsequently, the Commissioner of Panchayat Union, Kolathur, by proceedings dated 25.03.2015, informed that the interview was postponed for administrative reasons.

3. While so, the 4th respondent issued another call letter dated 21.04.2015, directing the petitioner to appear for interview on 05.05.2015 for the post of Watchman. Accordingly, she appeared for interview on 05.05.2015. However, no order was passed on the interview held on the said date. While so, the 4th respondent issued a fresh notification dated 23.06.2015 to fill up the vacancy in the post of Watchman in general turn non-priority (GT G NP). The scale of Pay of Watchman is Rs.4800-10,000 and Grade Pay of Rs.1300/-. Hence, the petitioner has come up with this writ petition, challenging the said notification dated 23.06.2015 and for a consequential direction to the fourth respondent to pass final orders in respect of interview held on 05.05.2015 based on Na.Ka.No.595/2015/A1 dated 21.04.2015.

4. Heard both sides.

5. The learned counsel for the petitioner would contend that the 4th respondent is bound to publish the results for the interview held on 05.05.2015 and without publishing the results, the 4th respondent cannot issue a fresh notification to fill up the vacancy in the post of Watchman in general turn non-priority (GT G NP), which is illegal and unsustainable.

6. The learned Government Advocate sought time to file counter. However, I am not inclined to adjourn the matter, in view of the order that is going to be passed herein.

7. A perusal of the records reveals that the posts of Watchman and Office Assistant are filled solely based on interview. In such view of the matter, I have no hesitation in holding that such a procedure is bad and illegal in the light of my judgments reported in (2015) 1 MLJ 515, [J.Kovaisamy v. State of Tamil Nadu, rep. by its Secretary, Employment and Training Department] and W.P.No.31317 of 2012 and 9600 of 2013 dated 19.02.2015 [M.Govindaswamy v. The Collector, Office of the Collectorate, Dharmapuri District].

8. Thus, I am of the considered opinion, that similar method, as indicated in the judgments of mine referred to above, should be adopted while filling up the posts of Office Assistant and Night

Watchman. In order to make the selection process transparent, selection should be made based on the marks obtained in SSLC as well as by applying communal roster. At this juncture, it is pertinent to point out that even MBBS seats are filled up based on Plus 2 marks. When such is the position, I am at a loss to understand as to why the posts of Office Assistant and Watchman are not filled up based on SSLC marks. In my considered view, it may not be out of place to observe that even written examination may not be necessary for the posts in the lower rung, since time and money of the Government would be saved by adopting this simple and transparent procedure, which would instill confidence in the minds of the public on the Government in relation to recruitment to those posts.

9. In view of the foregoing, the first respondent viz., Principal Secretary, Rural Development Department is directed to ensure that Rules are framed/amended in such a way that recruitment to the posts of Office Assistant and Watchman are made based on Minimum General Qualification i.e, SSLC and also by applying communal roster, for future vacancies.

10. This Court is inclined to pass the above order in view of the order passed by Justice S.Nagamuthu before the Madurai Bench of Madras High Court in W.P.(MD)No.14108 of 2013, wherein, the learned Judge found that in School Education Department, thousands of appointments in the cadre of Watchman and Sweepers were sought to be filled up solely based on political consideration.

11. Resultantly, the writ petition is disposed of by directing the 4th respondent to publish the results of the interview held on 05.05.2015 within a period of two days from the date of receipt of a copy of this order. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

svki

To

1.The Principal Secretary,
Rural Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director,
Rural Development Department,
Panagal Building,
Saidapet, Chennai.

3.The District Collector,
Collectorate, Salem.

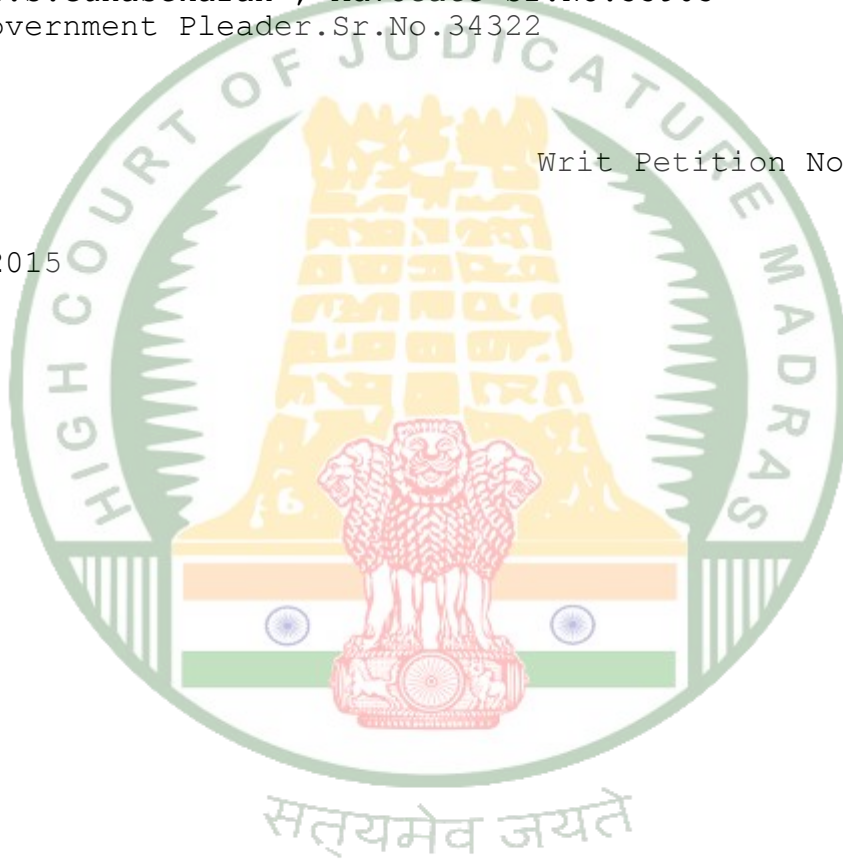
4.The Block Development Officer,
Panchayat Union,
Kollathur, Salem District.

5.The Chief Secretary,
Government of Tamil Nadu
Fort St.George, Chennai-9.

1 cc to Mr..S.Periasamy , Advocate Sr.No.33726
1 cc to Mr.S.Gunasekaran , Advocate Sr.No.33903
1 cc to Government Pleader.Sr.No.34322

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