

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 20.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7561 of 2016
and
W.M.P.No.6792 of 2016

V.Krishnamoorthy

... Petitioner

Vs.

1.The Secretary,
Municipal Administration
and Water Supply Department,
Fort St. George, Chennai-600 009.

2.The Director of Town Panchayat,
IVth Floor, Kuralagam, Chennai-600 108.

3.The District Collector,
Namakkal District.

4.The Assistant Director,
Town Panchayat, Salem Zone.

5.The Director,
Department of Public Health
and Preventive Medicine,
Chennai-600 006.

6.The Executive Officer,
Velur Town Panchayat,
Namakkal District.

... Respondents

(R6 impleaded as order dated 20.9.2016
in W.M.P.No.24792/2016)

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to promote the petitioner to the post of Sanitary Inspector in any of the existing vacancies in Namakkal District by recognizing the Certificate of Diploma in Sanitary Inspector Course issued to the petitioner, by the Pondicherry University Community College.

For Petitioner : Mr.B.Harikrishnan

For respondents : Mr.S.Gunasekaran, AGP

ORDER

This writ petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to promote the petitioner to the post of Sanitary Inspector in any of the existing vacancies in Namakkal District, by recognizing the Certificate of Diploma in Sanitary Inspector Course issued to the petitioner by the Pondicherry University Community College.

2. In the affidavit filed in support of the writ petition, it has been averred by the petitioner, inter alia, as follows:-

2-1. The petitioner is now working as Sanitary Supervisor under the Executive Officer, Velur Town Panchayat, Namakkal District. The Tamil Nadu Government vide G.O.Ms.No.339, dated 17.09.2007, Health and Family Welfare (N1) Department, prescribed qualification for the post of Sanitary Inspector and as per the said G.O., a candidate aspiring for the post of Sanitary Inspector should possess a Diploma in Sanitary Inspector Course obtained from any Community Colleges. However, subsequently, the said qualification was relaxed by the Government and by virtue of the same, 57 persons were directly appointed as Sanitary Inspector on the strength of Diploma Certificate issued by Pondicherry University.

2-2. It is further stated by the petitioner that he had applied for leave for the purpose of joining Diploma in Sanitary Inspector Course in Community College, under the Pondicherry University. The Executive Officer, Velur Town Panchayat vide his proceedings in Ref. Na.Ka.No.337/2014/A1, dated 19.09.2014, permitted the petitioner to join the said course and relieved the petitioner on 21.09.2014. Thereafter, the petitioner joined the said Diploma Course and successfully completed the course on 31.05.2015. The said period was also regularised by the Executive Officer, Velur Town Panchayat vide his proceedings in R.C.No.352/2015A1, dated 05.10.2015. Thereafter, the petitioner made representations to the District Collector, Namakkal, seeking to consider him for the post of Sanitary Inspector in the existing vacancies. Since his representations were not considered, the petitioner has come forward with the present writ petition before this Court.

3. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

4. Considering the facts and circumstance of the case, this Court directs the petitioner to give a fresh representation to the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order. Such representation being made, the 3rd respondent is directed to consider the same and pass appropriate order, on merits and in

accordance with law, within a period four weeks thereafter. It is made clear, this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the 3rd respondent to consider the request of the petitioner, strictly on merits and in accordance with law.

With the above direction, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

ssv

To,

1.The Secretary,
Municipal Administration
and Water Supply Department,
Fort St. George, Chennai-600 009.

2.The Director of Town Panchayat,
IVth Floor, Kuralagam,
Chennai-600 108.

3.The District Collector,
Namakkal District.

4.The Assistant Director,
Town Panchayat,
Salem Zone.

5.The Director,
Department of Public Health
and Preventive Medicine,
Chennai-600 006.

6.The Executive Officer,
Velur Town Panchayat,
Namakkal District.

1 cc to Mr.B. Harikrishnan, Advocate, 53209

1 cc to Government Pleader, Sr. 53450

W.P.No.7561 of 2016
and W.M.P.No.6792 of 2016

TRM (CO)

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