

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.6527 of 2017

V.Srinivasan

... Petitioner

-Vs-

The Executive Officer
Kaveripattinam Selection Grade
Town Panchayat
Kaveripattinam
Krishnagiri District

... Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to consider and pass orders on the representation dated 14.2.2017, 24.2.2017 and 28.2.2017 for promotion as Sanitary Supervisor in the Kaveripattinam Selection Grade Town Panchayat, Krishnagiri District, within a stipulated time as fixed by this Hon'ble Court.

For Petitioner : Mr.A.Baskaran

For Respondent : Ms.M.Lalitha
Government Advocate

ORDER

The petitioner has come to this Court seeking a limited prayer for issuance of a writ of mandamus, directing the Executive Officer of Kaveripattinam Selection Grade Town Panchayat, Krishnagiri District to consider and pass orders on his representation dated 14.2.2017, 24.2.2017 and 28.2.2017 for promotion to the post of Sanitary Supervisor/Sanitary Maistry in the Kaveripattinam Selection Grade Town Panchayat, Krishnagiri District, within a stipulated time.

2. It is the case of the petitioner that after his appointment as Sanitary Worker in the respondent Panchayat on compassionate ground by an order bearing Na.Ka.No.165/2006 (Tha.A) dated 25.1.2007 in the scale of pay of Rs.2550-55-5660-60-3200, he has been continuously serving as Sanitary Worker till date without any adverse remarks. Since he has passed VIII

Standard, as per G.O.Ms.No.205, Rural Development Department dated 23.3.89, he has become eligible for promotion to the post of Sanitary Supervisor/Sanitary Maistry. While so, the respondent also has prepared a seniority list in proceedings bearing Na.Ka.No.225/2012(A2) dated 3.9.2012, in which his name was also placed in Serial No.19. It is also his claim that the other seniors were also promoted as Sanitary Supervisors. When the petitioner is the next senior most person to be promoted as Sanitary Supervisor/Sanitary Maistry, no order has been passed. Therefore, the petitioner has given representation on 14.2.2017 and 24.2.2017 to the respondent in person requesting to consider him for the promotional post of Sanitary Supervisor/Sanitary Maistry. Pursuant thereto, the respondent also, in their letter dated 27.2.2017, directed the petitioner to produce the original educational certificates for verification. Accordingly, he had also submitted his original certificates to the respondent on 7.3.2017. In spite of the above compliance, no order has been passed. Therefore, apprehending that the only promotional post would be filled up leaving the petitioner in lurch, he has come to this Court.

3. This Court, considering the request of the petitioner that he should be promoted to the post of Sanitary Supervisor/Sanitary Maistry, directed the petitioner to produce the relevant Government Order or rules showing the educational qualification prescribed for the promotional post. Pursuant thereto, he has also produced G.O.Ms.No.205, Rural Development Department dated 23.3.89, which also says that the educational qualification for the post of Public Health Maistry/Sanitary Maistry is only a pass in VIII Standard. The relevant portion of the said Government Order reads thus:-

Class II Category I Public Health Maistry or Sanitary Maistry	1) By promotion from Category 2 of Class II	i) A pass in III form or VIII Standard
	2) By direct recruitment	ii) Must be able to ride a bicycle

4. Ms.M.Latha, learned Government Advocate, taking notice on behalf of the respondent, requested this Court to direct the petitioner to produce the educational certificate/mark sheet in original for consideration of his representation.

5. Since the petitioner claims to have possessed VIII Standard qualification and is also able to ride a bicycle, this Court hereby directs the petitioner to produce the educational certificate/mark sheet in original along with a fresh representation to the respondent within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the respondent is further directed to consider the same and pass appropriate orders, in the light of G.O.Ms.No.205,

Rural Development Department dated 23.3.89, within a period of four weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

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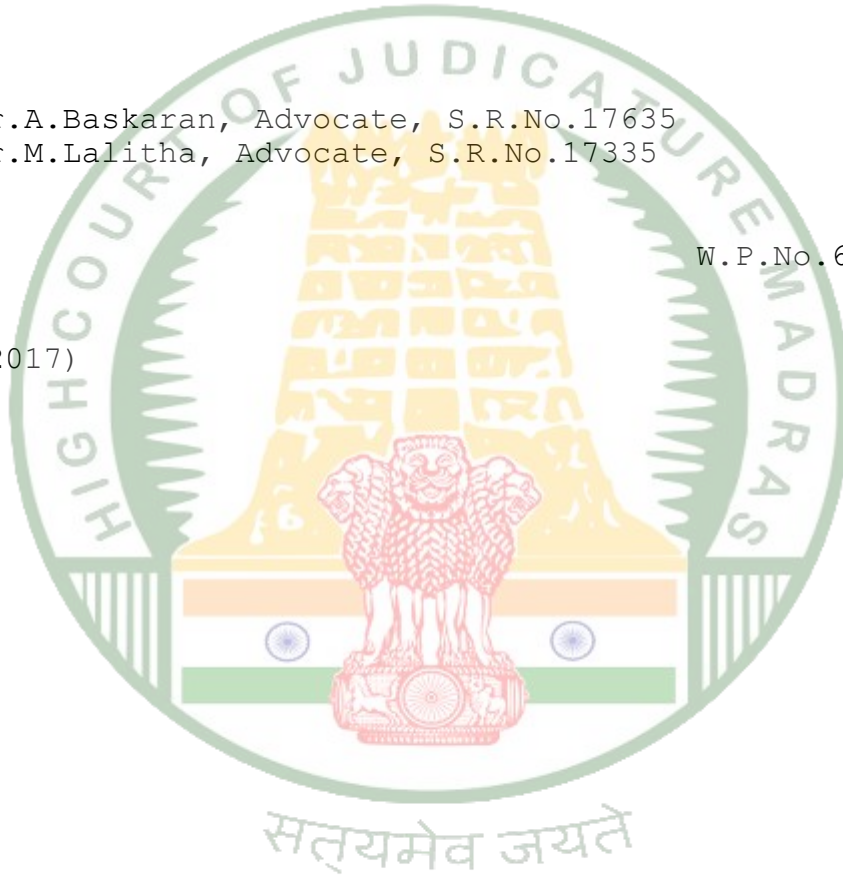
Sub Assistant Registrar

SS

+1cc to Mr.A.Baskaran, Advocate, S.R.No.17635
+1cc to Mr.M.Lalitha, Advocate, S.R.No.17335

W.P.No.6527 of 2017

CA(CO)
CA(10/04/2017)



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