



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.04.2017
CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
and
THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

W.A(MD)No.505 of 2017
and C.M.P.No.4354 of 2017

1.R.Rajkumar
2.S.Karthick Raja
3.M.Pragatheeswaran

..Appellants/ Petitioners

Vs.

1.The Principal Secretary to the Government,
Department of Municipal Administration and Water Supply,
Secretariat, Chennai.

2.The Director of Town Panchayats,
Kuralagam,
Chennai.

3.The District Collector,
Trichy District.

4.The District Collector,
Coimbatore District.

5.The District Collector,
Krishnagiri District.

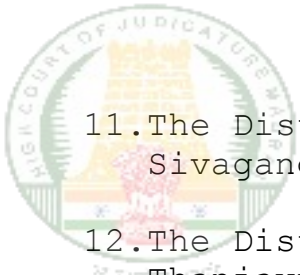
6.The District Collector,
Namakkal District.

7.The District Collector,
Salem District.

8.The District Collector,
Cuddalore District.

9.The District Collector,
Erode District.

10.The District Collector,
Villupuram District.



11.The District Collector,
Sivagangai District.

12.The District Collector,
Thanjavur District.

13.The District Collector,
Thiruvallur District.

14.The District Collector,
Tirunelveli District.

.. Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order 02.03.2017 in W.P.(MD) No.3678/2017.

Prayer in WP(MD). 3678/ 2017 :

Pleased to issue a writ of Mandamus for direction, forbearing the Respondents from filling up the posts of Sanitary Inspectors in Town Panchayats which are vacant by appointing the unqualified sanitary supervisors who do not possess the eligible qualification i.e. B.Sc., Chemistry Degree along with P.G. Diploma in Sanitary Inspector Training issued by Gandhigram Rural Institute (Deemed University) Dindigul and consequently for a direction, directing the Respondents to fill up the posts of sanitary Inspectors which are vacant in Town Panchayats by way of conducting Direct Recruitment as contemplated in the Tamil Nadu Town Panchayat Sanitary Inspectors Service Rules, 1982.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.V.Muruganantham
Additional Government Pleader

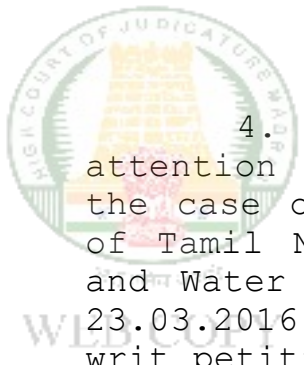
JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**)

By consent of both sides, the writ appeal is taken up for final disposal at the admission stage.

2.Heard the learned counsel for the appellants and the learned Additional Government Pleader for the respondents.

3.The appellants, who are three in numbers, filed a writ petition to forbear the respondents from filling up the post of Sanitary Inspectors in Town Panchayats, which are vacant, by appointing unqualified persons, who do not possess requisite qualifications. The Writ Court dismissed the writ petition, but, nevertheless made an observation that as and when, it is brought to the notice of the Court about any appointment of unqualified persons, necessary action will be initiated.



4. The learned counsel for the appellants has invited the attention of this Court to the judgment of the Division Bench in the case of Tamil Nadu Sanitary Supervisors Association v. State of Tamil Nadu, Secretary to Government, Municipal Administration and Water supply Department and others in W.A.No.172/2016 dated 23.03.2016. The said appeal arose out of an order passed in the writ petition, wherein, a prayer was made to fill up the vacancies to the post of Sanitary Inspectors as per Regulation 2 of the Tamil Nadu Municipal Public Health Service Regulation 1970 with eligible persons, working in the post of Sanitary Supervisors/Field Assistants by recruitment by transfer, by allowing them to complete the condensed training programme for Sanitary Inspector course to be conducted by the 4th respondent within a time frame to be fixed by this Court. The Division Bench, after considering the said issue elaborately, as to what would be the qualifications prescribed for the post, nevertheless, the writ appeal stood dismissed.

5. The apprehension of the appellants is that unqualified persons will be appointed. We may point out that based on such apprehension, a writ of mandamus cannot be issued, but however, it is necessary to point out that any appointments, which are made, should be in accordance with the concerned Service Regulations, which was taken note of by the Division Bench in the above referred decision.

6. With this observation, the writ appeal stands disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

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+1cc to Mr.T.Lajapathi Roy, Advocate , SR.No.55280

RR

AE/JC/SAR3/24.05.2017/4P/16C

**Judgment MADE IN
W.A(MD)No.505 of 2017
and C.M.P.No.4354 of 2017
28.04.2017**