



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

WEB COPY

W.P (MD) No.12417 of 2017

and

W.M.P. (MD) No.9559 to 9561 of 2017

D.Surya Prabhakaran

... Petitioner

Vs.

The Commissioner,
Usilampatti Municipality,
Usilampatti,
Madurai District.

.. Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the impugned notification issued by the respondent in Na.Ka.No.1675/2015/C1 dated 05.06.2017 and consequential impugned order passed by the respondent in A.Thi.Mu.No.1943/2017/C1 dated 23.06.2017 and to quash the same as illegal and further direct the respondent to permit the petitioner to participate in the interview and give opportunity to the petitioner to the post of Junior Assistant/Revenue Assistant in the respondent office.

For Petitioner

: Mr.A.Nagarajan for
Mr.K.R.Laxmanan

For Respondent

: Mr.P.Mahendiran

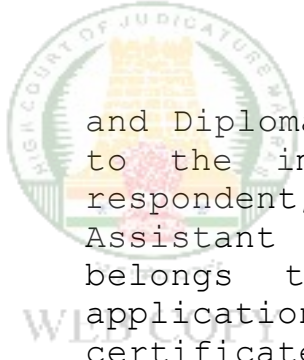
O R D E R

The petitioner has come to this Court challenging the impugned notification issued by the respondent in Na.Ka.No.1675/2015/C1 dated 05.06.2017 and consequential impugned order passed by the respondent in A.Thi.Mu.No.1943/2017/C1 dated 23.06.2017 and to quash the same as illegal and further direction to permit the petitioner to participate in the interview and give opportunity to the petitioner to the post of Junior Assistant/Revenue Assistant in the respondent office.

2.Heard Mr.A.Nagarajan for Mr.K.R.Laxmanan, learned counsel appearing for the petitioner and Mr.P.Mahendiran, learned counsel appearing for the respondent.

3.By consent of both sides, this writ petition itself is taken up for final disposal.

4.Learned counsel appearing for the petitioner narrating the claim of the petitioner that after completion of 10th standard



and Diploma in Mechanical Engineering, the petitioner, in response to the impugned notification dated 05.06.2017 issued by the respondent, calling for application for the post of Junior Assistant and Revenue Assistant, applied for the same. As he belongs to Most Backward Community, he has submitted his application on 15.06.2017 along with educational qualification certificate, community certificate and ration card and the last date of submission of application was 21.06.2017. He further submitted that when the petitioner expected the interview call letter, all of a sudden, by impugned order, dated 23.06.2017, his application was returned with a reason that priority certificate has not been enclosed. But, the petitioner has enclosed his Community Certificate(MBC), which clearly shows that he belongs to MBC(De-notified Community), also shows that the petitioner is a priority candidate and hence, the respondent should not return the application, after enclosing the Community Certificate(MBC) which clearly indicates that the petitioner belongs to De-notified Community. Therefore, one another priority certificate is not necessary. Hence, suitable direction may be given to the respondent.

5.After taking notice, the learned counsel appearing for the respondent today produced the names of the various candidates considered for the said post and finally one J.Aswathkumar, S/o.Jeyachandran, has been selected, who is a physically challenged person, as he belongs to priority category viz., physically challenged person under Most Backward Community(De-notified Community).

6.In view of the above, this Court finds no merits in this Writ petition. Hence, this Writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

The Commissioner,
Usilampatti Municipality,
Usilampatti, Madurai District.

+1cc to Mr.K.Mahendiran, Advocate in SR.No.68353

Ns/gns

AE/KK/SAR3/13.10.2017/2P/3C

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