



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.12681 of 2017

and

W.M.P. (MD) No.9794 and 9795 of 2017

S.Divya

... Petitioner

Vs.

1.The Director of
Municipal Administration,
Chennai-05.

2.The Zonal Director of
Municipal Administration,
Madurai.

3.The Commissioner,
Usilampatti Municipality,
Usilampatti,
Madurai District.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned orders in A.Thi.Mu.No.1859/2017/Sil dated 23.06.2017 and A.Thi.Mu.No.1860/2017/Sil dated 23.06.2017 on the file of the respondent No.3 and consequently to direct the respondent No.3 to permit the petitioner participate in the recruitment to the post of Junior Assistant/Revenue Assistant within 3rd respondent/Usilampatti Municipality within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.P.Mahendiran

O R D E R

The petitioner has come to this Court challenging the impugned orders in A.Thi.Mu.No.1859/2017/Sil dated 23.06.2017 and A.Thi.Mu.No.1860/2017/Sil dated 23.06.2017 passed by the third respondent and further to permit the petitioner to participate in the recruitment to the post of Junior Assistant/Revenue Assistant respondent/Usilampatti Municipality, within the stipulated time.



2. Heard Mr.T.Lajapthiroy, learned counsel appearing for the petitioner and Mr.P.Mahendiran, learned counsel appearing for the respondents.

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

4. The case of the petitioner is that the petitioner belongs to Most Backward Community (De-Notified Community). The petitioner acquired B.Sc., (Maths) and applied to the post of Junior Assistant/Revenue Assistant in Usilampatti Municipality, pursuant to the Advertisement in Na.Ka.No.1675/2015/Sil dated 06.06.2017, issued by the third respondent.

5. The grievance of the petitioner is that the third respondent has rejected his application by passing impugned order dated 23.06.2017, on the ground that the petitioner has not enclosed the priority certificate.

6. Assailing the impugned order, the learned counsel for the petitioner would submit that the petitioner belongs to Most Backward Community (De-notified Community) and he has also produced the copy of the Community Certificate dated 30.12.2011, issued by the Head Quarters Deputy Tahsildar, Usilampatti, certifying his Community status as De-notified Community, which is a proof of his Community status. Therefore, one another priority certificate is not necessary. Hence, the impugned order is liable to be set aside.

7. In reply, the learned counsel appearing for the respondent submitted that though a notification dated 06.06.2017 has invited the applications for the post of Junior Assistant/Revenue Assistant, after receipt of the application, Mr.J.Aswathkumar, has been appointed, who is a physically challenged person under priority category. He has also produced a copy of the appointment order dated 05.07.2017, which is also placed on record. He further submitted that similarly, one Mr.P.Selvamani, applied under General category, has been selected and he is also a physically challenged person under priority category and also produced a copy of the appointment order dated 05.07.2017, which is also placed on record.

8. A perusal of the files and the appointment orders dated 05.07.2016 clearly shows that both the selected candidates were given appointment on priority category, as they belong to physically challenged person under MBC-DNC.



9. 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.

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Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1. The Director of
Municipal Administration,
Chennai-05.

2. The Zonal Director of
Municipal Administration,
Madurai.

3. The Commissioner,
Usilampatti Municipality,
Usilampatti,
Madurai District.

+One cc to M/s.T.Lajapathi Roy, Advocate, SR.No.64753

+One cc to M/s.K.Mahendran, Advocate, SR.No.64807

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RL/6C/3P/MR/KKR/SAR2/20/10/2017

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