



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P. (MD) No.11917 of 2016

S.Mariappan

... Petitioner

Vs.

1. The District Collector (Development Section),
Tirunelveli District.

2. The Block Development Officer,
Keezhapavoor,
Tirunelveli District.

3. The Chairman,
Panchayat Union,
Keezhapavoor,
Tirunelveli District.

4. The Regional Transport Officer,
O/o. Regional Transport,
Tenkasi,
Tirunelveli District.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents 1 to 3 to issue appointment to the petitioner's as Jeep Driver in the 3rd respondent's Panchayat Union on the basis of the the petitioner's representation dated 23.05.2016.

For Petitioner : Mr.M.Subash Babu,

For Respondents : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader**ORDER**

This Writ Petition has been filed by the petitioner to issue a Writ of Mandamus, directing the respondents 1 to 3 to issue appointment to the petitioner as Jeep Driver in the third respondent's Panchayat Union on the basis of the the petitioner's representation dated 23.05.2016.

2.Heard learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The brief facts that are necessary for the disposal of this writ petition are as follows:



3.1. The petitioner received an interview letter dated 10.09.2015, by the Commissioner, Panchayat Union, Keezhapavoor, Tirunelveli, for the post of Jeep Driver. It is not in the dispute that there was a vacancy in the third respondent office. The technical examination was conducted by the fourth respondent to all those candidates who are all qualified in the interview. Since the petitioner was selected in the interview, he participated in the technical examination. However, the grievance of the petitioner is that no intimation was sent to him. Since the petitioner was found qualified and he was the only person, who is eligible to be selected and in view of the fact that the other competitors have joined in some other services, the petitioner has come forward by way of the present Writ Petition.

4. The second respondent has filed a counter affidavit, inter alia admitting almost all the facts that are narrated in the affidavit filed in support of the writ petition. The fact that the petitioner is qualified to the post is not in dispute. The second respondent has admitted the call letter issued to the petitioner and the selection of petitioner by the Committee constituted for this purpose. The only contention that was raised in the counter affidavit is that the Chairman of Council of Keezhapavoor Panchayat Union, who was also a member of the Appointment Committee had resigned his elected post to contest in the Tenkasi Legislative Assembly Election, there was suspension of the Council due to this. Since the Committee was not functioning all these years, the petitioner could not be appointed. It is for the same reason the respondent prayed for dismissal of the present Writ Petition.

5. On the basis of above admitted facts, this Court finds that the petitioner is entitled to appointment to the post of Jeep Driver. When the petitioner was selected and the petitioner was the only candidate available at the time of consideration, the job of the Committee is over. After the selection it cannot be said that nothing can be done to give appointment to the petitioner. When the selection of the petitioner in 2015 is not denied. The appointment can not be denied to the petitioner. Hence, this writ petition is liable to be allowed.

6. As a result, the writ petition is allowed and the respondents 1 to 3 are directed to issue order of appointment to the petitioner as Jeep Driver in the third respondent Panchayat Union, within a period of eight weeks from the date of receipt of copy of this order. No Costs.

Sd/-
Assistant Registrar()



To

1. The District Collector (Development Section),
Tirunelveli District.

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Keezhapavoor,
Tirunelveli District.

3. The Chairman,
Panchayat Union,
Keezhapavoor,
Tirunelveli District.

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+1cc to Mr. M. SUBASH BABU, Advocate, in SR.No.51885

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SDS/JC/05.05.2017/3P/6C