



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No.915 of 2013

and

M.P. (MD) No.1 of 2013

Vijaya Lakshmi

... Appellant

-vs-

1. The District Collector
Dindigul District

2. The Assistant Director of Town Panchayats
Dindigul District

3. The Executive Officer
Nilakkottai Town Panchayat
Dindigul District

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 24.07.2013 in W.P.(MD).No.11823 of 2013, on the file of this Court.

Prayer in WP(MD). 11823/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Mandamus, directing the 3rd respondent to appoint the petitioner in the vacant post of sweeper in Nilakkottai Panchayat and pass such other further orders as this Honourable Court may deem fit.

For Appellant	:	Mr.T.R.Jeyapalam
For Respondents	:	Mr.V.R.Shunmuganathan Special Government Pleader

J U D G M E N T

[Judgment of the Court by T.S.SIVAGNANAM, J.]

Heard Mr.T.R.Jeyapalam, learned counsel appearing for the appellant and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents.

2. This writ appeal is directed against the order, dated 24.07.2013 made in W.P.(MD).No.11823 of 2013, which was filed by the appellant to direct the third respondent - Panchayat to

appoint her in the post of Sweeper in Nilakkottai Town Panchayat.

3. The case of the petitioner is that though she appeared for interview before the third respondent as her name was sponsored by the Employment Exchange, she was not called for interview and kept waiting throughout the day. Subsequently, on the very next day, she sent a letter to the respondents stating that she had appeared before the third respondent for interview on 03.07.2013. Since there was no reply from the respondents, she approached this Court by filing the writ petition. The writ petition was dismissed on two grounds, namely, whether the appellant appeared for the interview or not is a question of fact and such a disputed factual aspect cannot be adjudicated in a writ petition. Secondly, the Writ Court found fault that sufficient number of candidates were not sponsored by the Employment Exchange.

4. Insofar as the second reason assigned by the Writ Court is concerned, we are of the view that the appellant cannot be blamed for not sponsoring sufficient number of candidates by the Employment Exchange.

5. Insofar as the first aspect is concerned, it may be true that it is a factual aspect, which cannot be adjudicated in a writ petition. However, we do not propose to go any further in this matter as by efflux of time the very adjudication of this appeal has become academic as some other candidates have already been appointed in the post of Sweeper in Nilakkottai Town Panchayat.

6. For the above reasons, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To:

1. The District Collector,
Dindigul District.
 2. The Assistant Director of Town Panchayats,
Dindigul District.
 3. The Executive Officer,
Nilakkottai Town Panchayat, Dindigul District.
- +1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 59244.
IA/KRK
PSM/RSK/SAR1/13.06.2017/2P/5C

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