



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**W.P. (MD) No.17683 of 2013

WEB COPY

Ravichandran

... Petitioner

-Vs-

1.The Commissioner,  
Municipal Administration,  
Chepauk, Chennai-600 005.

2.The Commissioner,  
Kadayanallur Municipality,  
Tirunelveli District.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to consider the petitioner's representation dated 05.08.2013.

For Petitioner : Mr.V.Sasikumar  
For R1 : Mr.R.Sethuraman  
Special Government Pleader  
For R2 : Mr.C.M.Marichellaiah

**ORDER**

The relief sought for in this writ petition is for a direction to direct the second respondent to consider the petitioner's representation dated 05.08.2013.

2.The writ petitioner claims that he has completed 9<sup>th</sup> standard and failed in 10<sup>th</sup> standard. Accordingly, he registered his name in the employment exchange on 05.06.1995. He was renewing his employment seniority periodically. Twelve vacancies arose in the second respondent Municipality in the cadre of Sweeper and process of selection commenced and the writ petitioner has also participated in the process and not selected.

3.The grievances of the writ petitioner is that he is fully qualified and he had participated in the selection process and therefore, his case ought to have been considered for the post of Sweeper. In paragraph 8 of the affidavit, the writ petitioner referred the case of one Smt.K.Vasanthi, who appeared for certificate verification along with the writ petitioner for the post of Sweeper in the second respondent Municipality. The said Vasanthi has also preferred a writ petition in W.P(MD)No.11609 of 2013. However, the said writ petition was dismissed on 22.07.2013 and the relevant paragraphs Nos.3 and 4 are extracted hereunder:-



"3.The prayer sought for cannot be granted. Though the petitioner has contended that there are 12 vacancies in the Kadayanallur Municipality, Tirunelveli District, and that she was also, one among the candidates, called for Certificate Verification, as well as Field Test, and further contended that only 6 persons have been appointed as Sweepers, in the said Municipality, it is purely the discretion of the Commissioner, Kadayanallur Municipality, Tirunelveli District, to take appropriate decision, to fill up the vacancies after considering the merits and demerits of the candidates, who had undergone the selection process. Merely because 6 posts of sweepers which remain vacant, the petitioner who had undergone the selection process, at best can only be said to have a legitimate expectation of being selected to the post, but there is no statutory right to compel the Commissioner, Kadayanallur Municipality, Tirunelveli District, that she should be appointed as Sweeper. If such prayer is allowed, then all the 20 candidates who had been called for Certificate Verification and Field Test, can also seek for similar mandamus to be issued to the Commissioner, Kadayanallur Municipality.

4.In view of the above facts and circumstances of the case, mandamus sought for cannot be granted. Hence, the writ petition is dismissed. No costs. Having regard to the averment that there are 6 vacant posts of sweepers, the Commissioner, Kadayanallur Municipality, Tirunelveli District, is directed to take appropriate decision, in the matter of filling up the posts."

In this view of the matter, no further adjudication is required in this writ petition. Accordingly, this writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

- 1.The Commissioner,  
Municipal Administration,  
Chepauk, Chennai-600 005.
- 2.The Commissioner,  
Kadayanallur Municipality,  
Tirunelveli District.

+1CC TO M/S.V.SASI KUMAR, ADVOCATE, SR NO.49757

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.50245

W.P. (MD) No.17683 of 2013

20.02.2018