

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.15436 of 2015

and

MP.No.2 of 2015

T.Radhamani

... Petitioner

Vs

1. The Principal Secretary
Municipal Administration and Water Supply
Government of Tamil Nadu
Fort St.George,
Chennai-600 009.
2. The Managing Director
Regional Municipality Office
Tiruppur.
3. The Commissioner
Vellakoil Municipality
Vellakoil
Tiruppur District.
4. P.Deivanai

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to Na.Ka.973/2014/C1 dated 29.09.2014 passed by the 3rd respondent and quash the same as illegal, incompetent and ultravires and consequently, direct the respondents to appoint the petitioner in the post of Sweeper in the 3rd respondent-Municipality.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.V.Prabhu
Government Advocate
for R1 & R2

Mr.K.Rajkumar, for R3

O R D E R

The petitioner is aggrieved against the selection and appointment of the fourth respondent to the post of Sweeper in the third respondent-Municipality.

2. The respondents 1 & 2 are being represented by Mr.V.Prabhu, learned Government Advocate and the third respondent is being represented by Mr.K.Rajkumar, learned counsel.

3. Though notice was ordered and issued on the fourth respondent, she has not chosen to appear before this Court and her name is also printed in the cause list.

4. Heard both sides.

5. It is seen that the third respondent-Municipality made selection to the post of Sweeper. It is further seen that the petitioner as well as the other persons including the fourth respondent have participated in the selection process. It is further seen that they have been sponsored by the Employment Exchange. However, the third respondent has selected the fourth respondent and appointed her in the said post by passing the impugned order dated 29.09.2014. The said order is put to challenge in this writ petition, by contending that the fourth respondent is not qualified to the post of Sweeper and she does not have experience at all.

6. On the other hand, the counter filed by the respondents 1 to 3, stated that there were five candidates stood for selection and out of those five candidates, the fourth respondent herein was selected after assessing the individual performance of each candidate.

7. There is no dispute to the fact that the post to which, the selection was made, is Sweeper. Except stating that the fourth respondent was not having experience, the petitioner is not stating as to what sought of experience one should have to get selected to the post of Sweeper. On the other hand, the third respondent through his counter affidavit submitted that based on the individual performance of the candidates, the selection was made. I do not think that this Court needs to interfere with the selection of the fourth respondent, that too, when the selection was made as early as on 29.09.2014 and for the past nearly 4 1/2 years, the fourth respondent is working in such capacity.

8. The learned counsel for the third respondent fairly submitted that still there are three vacancies and therefore, the petitioner can apply for such post, once the notification is issued calling for such application.

9. Needless to say that the petitioner can take part in the fresh selection process, as it is stated that no age limit is prescribed for applying to the said post. Once such application is made, the respondent-Municipality shall look into the employment seniority of the petitioner and give weightage to the same, if no other person senior than the petitioner applies.

10. With the above observation, this writ petition is disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-IV)

//True Copy//

Sub Assistant Registrar

mk

To

1.The Principal Secretary
Municipal Administration and Water Supply
Government of Tamil Nadu
Fort St.George,
Chennai-600 009.

+1 cc to Mr.M.Guruprasad, Advocate, Sr.No. 38311

+1 cc to The Government Pleader, Sr.No. 38873

सत्यमेव जयते

WP.No.15436 of 2015

SJP (CO)

CSL/24.06.2019

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