



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **13.08.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

WEB COPY

WP(MD)No.6871 of 2016 and
WMP (MD) Nos.5899 to 5901 and 8508 of 2016

N.Senthil Kumaran

... Petitioner

Vs.

1.The Commissioner,
Municipal Administration,
Ezhilagam, Chepauk,
Chennai-9.

2.The Commissioner,
O/o. the Commissioner,
Tirunelveli Corporation,
Tirunelveli City.

3.The Assistant Commissioner (Administration),
O/o. the Assistant Commissioner,
Tirunelveli Corporation,
Tirunelveli City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.1745/C1/ 2016 date 09.03.2016 on the file of the respondent No.3 and consequent Impugned Notification in 05/2016 dated Nil issued by the Respondents No.2 and quash the same as illegal and consequently for a direction, directing the respondents to consider the petitioner for the appointment to the post of Technical Assistant based on the interview dated 25.08.2014 conducted by the Respondent No.2 within time stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman
for Mr.T.Lajapathi Roy

For R1 and R3 : Mr.A.Muthukaruppan
Additional Government Pleader

For R2 : Mr.Aayiram K. Selvakumar
Additional Government Pleader



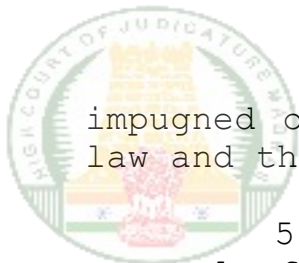
ORDER

This Writ Petition has been filed to quash the impugned order passed by the 3rd respondent in Na.Ka.1745/C1/2016, dated 09.03.2016 and consequent impugned Notification issued by the 2nd respondent in 05/2016, dated Nil and consequently to direct the respondents to consider the petitioner for appointment to the post of Technical Assistant, based on the interview, dated 25.08.2014 conducted by the 2nd Respondent within time stipulated by this Court.

2. According to the petitioner, the 2nd respondent had conducted the interview for the post of Technical Assistant in the 2nd respondent office, based on the employment seniority. The petitioner participated in the said interview to the single vacancy for the post of Technical Assistant. The petitioner approached the 2nd respondent in person on several occasions and requested to issue an appointment order to him, but, the 2nd respondent did not issue any order and the petitioner informed to wait for sometime. Thereafter, the 2nd respondent issued a notification for common written test and interview for selection of candidates for various posts including the four posts of Technical Assistants. Challenging the said impugned order, the petitioner has filed the present Writ Petition before this Court.

3. The learned counsel appearing for the petitioner submitted that the petitioner has attended the interview for the post of Technical Assistant. The 2nd respondent has called for an interview and the petitioner is also one among the candidates to attend the interview for the post of Technical Assistant, and therefore, non selection of the petitioner is totally against Article 14, 16 and 19 of Constitution of India.

4. The learned Additional Government Pleader appearing for the respondents have objected the contention of the petitioner, by relying upon the counter statement of the respondents stating that the interview was conducted on 25.08.2014 and the appointment orders were not issued to the petitioner after interview was conducted by the respondents, in view of notification issued for election for the post of Mayor and the code of conduct has come into force, the selection to the post of Technical Assistant was not finalized. He further submitted that as per the Circular issued by the National Employment Service, Directorate of Employment and Training, Madras, the list is only valid for six months. Any selection of candidates from the said list cannot be made after the expiry of six months from the date of its issue. Therefore, in the light of the aforesaid letter issued by the Directorate of Employment and Training, the selection process was cancelled by the respondents. Hence, the



impugned order passed by the 2nd respondent is perfectly valid in law and the writ petition is liable to be dismissed.

5. Considering the said submissions of the parties and on perusal of the materials available on record and based on the list forwarded by the Employment Exchange, the petitioner was asked to appear for an interview held on 25.08.2014, and thereafter, the Code of Conduct for the Election to the post of Mayor was announced by the Election Commission of Tamil Nadu. Therefore, the said selection process was not completed within six months and the same could not finalise and thereafter, selection process was cancelled by the respondents in the light of the order passed by the Assistant Director, District Employment Officer (i/c), District Employment Office, Tirunelveli - 9 vide letter No. X2/126/2014, dated 14.07.2014 and the appointment order was not issued to selected candidates.

6. In the light of the Circular issued by the National Employment Service, Directorate of Employment and Training, Madras, the list already received from the Employment Exchange was lapsed on 14.01.2015. In view of the same, the impugned cancellation order has been passed by the Assistant Director, District Employment Officer (i/c), District Employment Office, Tirunelveli - 9 vide letter No. X2/126/2014, dated 14.07.2014.

7. In view of the aforesaid facts and circumstances of the case, the contention of the petitioner cannot be countenanced and the same is liable to be rejected. Hence, this Court has no hesitation to dismiss the Writ Petition filed by the petitioner.

8. Accordingly, this Writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

trp

To

1.The Commissioner,
Municipal Administration, Ezhilagam, Chepauk, Chennai-9.



2.The Commissioner,
O/o. the Commissioner, Tirunelveli Corporation,
Tirunelveli City.

3.The Assistant Commissioner (Administration),
O/o. the Assistant Commissioner,
Tirunelveli Corporation, Tirunelveli City.

+1 CC to M/s.AAYIRAM K. SELVAKUMAR, Advocate (SR-81627[F] dated
14/08/2019)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-81703[F] dated
14/08/2019)

WP(MD)No.6871 of 2016 and
WMP (MD) Nos.5899 to 5901 and 8508 of 2016
13.08.2019

KM/(01.11.2019) 4P 6C