

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 21.06.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) Nos. 6891 and 6892 of 2013****and****M.P. (MD) .Nos.1 & 1 of 2013**

1.K.Madathipetitioner in WP(MD)No.6891/2013
2.K.Chandrasekar ... Petitioner in WP.(MD)No.6892/2013

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Commissioner
Kovilpatti Municipality,
Kovilpatti, Tuticorin District.

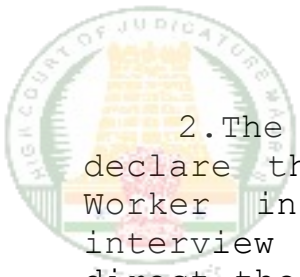
3.The District Employment Officer,
Employment Office,
Tuticorin District,
Korampallam, Tuticorin. ... Respondents in both cases

COMMON PRAYER: Writ Petitions under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's name in the recruitment for the post of Sanitary Worker in the second respondent Municipality which is to be held on 25.04.2013.

For Petitioners in
both cases : Mr.P.Santhoshkumar
For R1 and R3
in both cases : Mr.K.Mu.Muthu
Additional Government Pleader
For R2 in both
cases : Mr.N.C.Ashokkumar

COMMON ORDER

In respect of the very same selection for appointment to the post of Sanitary Worker in Kovilpatti Municipality, the very same writ petitioners along with other persons filed individual writ petition in W.P. (MD) .No.17274 to 17278 of 2014.



2.The relief sought for in those writ petitions are that to declare the entire selection process for the post of Sanitary Worker in the second respondent Municipality, based on the interview dated 21.02.2014 as null and void and consequently, to direct the respondents to redo the selection process in accordance with law. Those writ petitions were adjudicated by this Court and a final order was passed on 28.08.2014 as follows:

"7.This Court is unable to agree with the arguments advanced by the learned counsel appearing for the petitioners. The reason is that as per Rule 8 of the Tamil Nadu Municipal (Non-Centralized-Regular) Public Health Establishment Regulation, 1976, then the second respondent is the competent authority, who has conducted the selection process and completed the same, by appointing various candidates, belonging to the Scheduled Caste and Most Backward Class Communities, to the case of the petitioners that the respondents, while selecting the candidates, have not followed the seniority and the communal rotation, cannot be accepted. Secondly, the petitioners have not come forward to challenge the selection of the candidates, by impleading the selected candidates as party respondents.

8.In such view of the matter, this Court is not inclined to grant the relief, as prayed for by the petitioners. Hence, the writ petitions stand dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed."

3.The present writ petitions were filed prior to the writ petition decided earlier and cited supra, the present writ petitions were filed during the year 2013 with the prayer to direct the respondents to consider the petitioners' name in the recruitment for the appointment to the post of Sanitary Worker in Kovilpatti Municipality, based on the interview held on 25.04.2013.

4.It is brought to the notice of this Court that the writ petitioners had participated in the process of interview. This apart, the subsequent writ petitions seeking declaration of the selection process was dismissed by this Court. Further, the selection was of the year 2013 and the appointed candidates are now serving for the past more than 5 years. In view of the fact that the earlier writ petitions filed by the very same writ petitioners was dismissed with reference to the same selection process, the present writ petition deserves no further consideration and accordingly, these writ petitions are dismissed.



No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Tuticorin District,
Tuticorin.
- 2.The Commissioner
Kovilpatti Municipality,
Kovilpatti, Tuticorin District.
- 3.The District Employment Officer,
Employment Office,
Tuticorin District,
Korampallam, Tuticorin.

+1CC TO M/S. N.C.ASHOK KUMAR, ADVOCATE, SR.NO.70766
+1CC TO M/S.SPECIAL GOVERNMENT PLEADER SR.NO.71008
+1CC TO M/S. P.SAMTHOSHKUMAR, ADVOCATE, SR.NO.70734

W.P. (MD) Nos.6891 and 6892 of 2013
and
M.P. (MD) .Nos.1 & 1 of 2013

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BUC (11.07.2019) 3P 8C