



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD) Nos.8465 to 8468 of 2013

and

M.P. (MD) Nos.1, 1, 1 and 1 of 2013

Malliga	... Petitioner in W.P. (MD) No.8465 of 2013
M.Selvi	... Petitioner in W.P. (MD) No.8466 of 2013
Veerammal	... Petitioner in W.P. (MD) No.8467 of 2013
Amutha	... Petitioner in W.P. (MD) No.8468 of 2013

-Vs-

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The District Employment Officer,
Virudhunagar District Employment Office,
Virudhunagar District, Virudhunagar.

3.The Commissioner,
Aruppukottai Municipality,
Aruppukottai, Virudhunagar District.

... Respondents
in all Writ Petitions

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the third respondent to appoint the petitioner as a Sanitary Worker in the Aruppukottai Municipality, Virudhunagar District within the stipulated period.

For Petitioner	
(in all W.Ps.)	: Mr.G.Marimuthu
For R1 and R2	: Mr.S.Dhayalan,
(in all W.Ps.)	Government Advocate.
For R3	: Mr.N.Dilip Kumar
(in all W.Ps.)	

COMMON ORDER

The relief sought for in the present Writ Petitions is for a direction to direct the third respondent to appoint the petitioners in these Writ Petitions as Sanitary Worker in Aruppukottai Municipality, Virudhunagar District, within a stipulated period.



2.The petitioners in these Writ Petitions state that they registered their name in the District Employment Exchange and they were engaged as Sanitary Worker by private contractor under outsourcing system. The petitioners themselves submit that they were working as Sanitary Worker under the private contractor namely Arumugam, and they were receiving salary of Rs.3,000/- per month. The petitioners claim that they served for a considerable length of time and therefore, they should be appointed in a sanctioned post of Sanitary Worker in the regular time scale of pay.

3.Appointment, regularisation or permanent absorption cannot be granted in violation of the recruitment rules in force. Appointments ought to be made strictly in accordance with rules in force. All appointments are to be made only by providing equal opportunity to all the eligible candidates, who are all aspiring to secure public employment. Admittedly, the writ petitioners were engaged as Sanitary Worker by private contractor and therefore, they cannot seek appointment to the sanctioned post of Sanitary Worker by way of filing Writ Petition. For the purpose of securing regular appointment, the petitioners have to participate in the process of selection. In the present case on hand, the writ petitioners were engaged on contract basis and therefore, very Writ Petition filed seeking appointment to the post of Sanitary Worker in the sanctioned post is untenable. The length of services rendered by the writ petitioners with private contractor is of no avail and if at all any recruitment is issued for the purpose of recruiting persons for appointment to the post of Sanitary Worker, it is left open to the petitioners to participate in the process of selection in the manner known to law.

4.This being the factum of the case, the writ petitioners have not established even a semblance of legal right, so as to consider the relief as such sought for in the present Writ Petitions. Accordingly, these Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The District Employment Officer,
<https://hcservices.ecourts.gov.in/hcservices/>
Virudhunagar District Employment Office,
Virudhunagar District, Virudhunagar.



3.The Commissioner,
Aruppukkottai Municipality,
Virudhunagar District.

WEB COPY

+4 CC to M/s.G.M.LAW OFFICE, Advocate SR-67770.
+4 CC to Mr.N.DILIP KUMAR, Advocate SR-67806.
+1 CC to SPL GP SR-67883.

W.P(MD)Nos.8465 to 8468 of 2013

CS: (19/06/2019) 3P C