IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.34222 of 2007 &
MP.No.1 of 2007

N.Elavarasan ...Petitioner

Vs.

1.The District Collector,
Dharmapuri.

2.The Director of Town Panchayat,
Kuralagam, Chennai - 106.

3.The Assistant Director of Town Panchayat,
Dharmapuri District, Dharmapuri. ...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the proceedings of the 1st respondent relating to the impugned order N.K.No.P2/4598/2006 dated 5.10.2007 and quash the same and consequently, direct the respondents to appoint the petitioner as Sanitary Inspector in the Harur Town Panchayat.

For Petitioner : Mr.S.Mahesh
for Mr.V.Vijayshankar

For Respondents : Mr.K.Magesh
Special Government Pleader

ORDER

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The petitioner has filed this writ petition challenging the order of the first respondent vide proceedings in N.K.No.P2/4598/2006 dated 5.10.2007.

2. The petitioner completed the Diploma Course in Sanitary Inspector's Training in May 1995 conducted by the All India Institute of Local Self Government, Mumbat at Bangalore. After completion of the said course, he got himself registered in employment exchange on 20.12.1995. In view of his qualification,

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he is eligible to be appointed as Sanitary Inspector in the Town Panchayats/Munipalities/Corporations.

3. In April 2007, the first respondent wanted the employment exchange, Dharmapuri to sponsor eligible candidate for filling up one post of Sanitary Inspector in the Harur Town Panchayat, Dharmapuri District. Though the petitioner had registered his name in the employment exchange, Dharmapuri in the year 1995, his name was not sponsored and hence he approached this Court in W.P.No.20244 of 2007 for a direction to the respondents therein to consider the name of the petitioner for appointment. After hearing parties, this Court has passed an interim order by directing the Employment Exchange, Dharmapuri to sponsor the name of the petitioner for appointment to respondents 1 to 3 .

4. Based on that, the Employment Exchange, Dharmapuri also sponsored the name of the petitioner whereas the District Collector rejected the appointment of the petitioner vide proceedings in N.K.No.P2/4598/2006 dated 5.10.2007. Challenging the said proceedings, the petitioner has filed this writ petition.

5. The learned counsel for the petitioner would submit that other persons from the very same institute have been selected and they are working as Sanitary Inspector in various municipalities, whereas though this Court has given a direction to sponsor the name of the petitioner for appointment in the post of Sanitary Inspector to the Employment Exchange and hence, the Employment Exchange has also sponsored his name, the District Collector rejected the name of the petitioner which warrants interference.

6. Learned Special Government Pleader appearing for the respondents would submit that the eligibility criteria for the recruitment for the post of Sanitary Inspector is that the applicant must possess a Sanitary Inspector Certificate granted by the Director of Public Health, Madras or a Sanitary Inspector's certificate issued on behalf of the National council for Rural Higher Education, New Delhi and the said post has to be filled up on Open Competition Priority basis. However, the petitioner has not satisfied the eligibility criteria for the said post. He also contended that those persons initially appointed as Sanitary Inspector from the very same institute, after verification, they have been rejected.

7. This Court after giving careful consideration to the submissions made by either side, is of the considered view that since the petitioner has not satisfied the eligibility criteria for appointment for the post of Sanitary Inspector, the first respondent has rightly rejected the petitioner. Therefore, this

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Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
Dharmapuri.

2.The Director of Town Panchayat,
Kuralagam, Chennai - 106.

3.The Assistant Director of Town Panchayat,
Dharmapuri District, Dharmapuri.

+1 CC to The Government Pleader sr 38430.

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GP(CO)
SP(31/12/2020)

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