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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2686 of 2020

and

WMP No.3112 of 2020

J.Karthick

.. Petitioner

.v.

1.The Director of Town Panchayats,
Kuralagam,
Chennai.

2.The District Collector,
Cuddalore District,
Cuddalore.

3.The Assistant Director of Town Panchayats,
Cuddalore Region,
Cuddalore Town,
Cuddalore.

4.The Executive Officer,
Town Panchayat Office,
Kattumannarkoil Taluk,
Cuddalore District.

... Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's candidature for the post of Sanitary Worker/Sweeper under SC General Category based on the petitioner's representation dated 20.01.2020 made to the respondents.

For Petitioner : Mr.M.Mathiyalagan

For R1 to R3 : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

For R4 : Mr.Digvijayapandian
Additional Government Pleader



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O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents to consider the candidature of the petitioner for the post of Sanitary Worker/Sweeper under SC General Category based on his representation dated 20.01.2020.

2.The case of the petitioner is that he joined in the Office of the 4th respondent Town Panchayat as a Sweeper in the year 2010 and he claims to be continuously working till today. The further claim made by the petitioner is that he belongs to SC Community - Hindu Adi Dravidar.

3.The 4th respondent issued a Notification and called for applications from suitable candidates for the recruitment to the post of Sanitary Workers/Sweeper on 06.11.2019. It is seen from the Notification that insofar as Kattumannarkoil is concerned, totally six posts are going to be filled up and out of the same, one post has been reserved for SC (priority) category. The petitioner also participated in the selection and he was called for interview on 13.01.2020.

4.The grievance expressed by the petitioner is that till date, no appointment has been made and the respondents are taking hasty steps to select candidates as per their own whims and fancies and that the petitioner must be given priority by taking into account the fact that he was working in the 4th respondent Town Panchayat Town for more than 10 years. The petitioner had also sent a representation to the effect that on 20.01.2020.

5.The learned counsel for the petitioner submitted that the respondents will have to fill up the post strictly in accordance with the Notification issued on 06.11.2019 and they should not be allowed to fill it up on their own whims and fancies. The learned counsel further submitted that the petitioner have to be given priority on the ground that the petitioners has already put in 10 years of service in the same Town Panchayat Office.

6.Per contra, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing on behalf of the respondents submitted that this writ petition has been filed merely on apprehensions without any basis. The learned Special Government Pleader submitted that the Notification itself makes it very clear that insofar as Kattumannarkoil is concerned, six posts are going to be filled up and out of the same, one post has been reserved for SC (priority) category. The learned Special Government Pleader submitted that the selection will take place strictly in accordance with the Notification and that there is no attempt made to select any candidate, who does not fullfill the requirements under the Notification.



7.This Court has carefully considered the submissions made on either side and the materials available on record.

8.It has been brought to the notice of this Court that the selection has been completed and till date no appointments have been made by the 4th respondent. It is also made clear by the Special Government Pleader that the selection will happen only in accordance with the Notification issued by the respondents. The petitioner has also participated in the selection process and therefore, the petitioner can only seek his right in line with the requirements found in the Notification. If the petitioner is found to be qualified under the reserved category, obviously, the candidature of the petitioner will also be considered by the respondents. The apprehension raised by the petitioner has been allayed by the specific stand that has been taken by the respondents.

9.In view of the above, this Writ Petition is disposed of and there shall be a direction to the 4th respondent to complete the process of recruitment within a period of four weeks from the date of receipt of copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

KP

To

- 1.The Director of Town Panchayats,
Kuralagam,
Chennai.
- 2.The District Collector,
Cuddalore District,
Cuddalore.
- 3.The Assistant Director of Town Panchayats,
Cuddalore Region,
Cuddalore Town,
Cuddalore.
- 4.The Executive Officer,
Town Panchayat Office,
Kattumannarkoil Taluk,
Cuddalore District.



+1cc to Mr.M.Mathiyalagan, Advocate SR.No.12184

+1cc to Government Pleader SR.No.13085

W.P.No.2686 of 2020

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SPN(CO)

GMV(19/02/2020)