

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.14968 of 2020
and
W.M.P.No.18610 of 2020

V.Krishnamoorthy

... Petitioner

Vs

1. Government of Tamil Nadu,
represented by Principal Secretary to Government,
Department of Health and Family Welfare,
Chennai - 9.
 2. The Director of Public Health and Preventive Medicine,
DMS,
Chennai - 6
 3. The District Collector,
Namakkal District (Town Panchayat Wing),
Namakkal.
 4. The Director of Town Panchayat,
Chennai - 108.
 5. The Assistant Director of Town Panchayats,
Salem Zone,
2nd Floor, Collectorate,
Salem - 6363 001.
- ... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying Writ of Mandamus to direct the respondents to grant promotion by appointing the petitioner as Sanitary Inspector/ Health Inspector Grade II in the Salem Zone.

For Petitioner : Mr.S.C.Vishwanth

For Respondents : Mr.J.Pothiraj
Special Government Pleader

O R D E R

The matter is taken up through web hearing.

2. This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondents to grant promotion by appointing the petitioner as Sanitary Inspector/ Health Inspector Grade II in the Salem Zone.

3. The grievance of the petitioner herein is that he is working as a Sanitary Worker and though he was qualified fully for consideration to be promoted as Sanitary Inspector, the same was denied to him for several years. Therefore, he has come up with this Writ Petition seeking for issuance of Writ of Mandamus.

4. When this Court perused the pleadings in the affidavit filed in support of the writ petition, found that the petitioner's representation seeking promotion to the post of Sanitary Inspector was rejected on 07.12.2016 itself by the 3rd respondent/ Collector. In that rejection order, it was specifically stated by the authority that in terms of relevant G.O., the qualification acquired by the petitioner was not valid and hence, his request was rejected.

5. Strangely, the petitioner, without challenging the order of rejection, has come up with this Writ Petition, seeking only for a direction to the respondents to promote him as Sanitary Inspector. Such prayer needs to be rejected outright. When a conscious decision was taken by the authority in rejecting the request of the petitioner that he was not qualified and eligible, instead of challenging the reasons for the rejection, merely seeking a direction for his promotion is gross abuse of process of the court. Even otherwise, the Court finds hardly any averment or ground in the affidavit in support of the claim of the petitioner.

6. In the above circumstances, this Writ Petition stands dismissed as not maintainable and also on merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(L.A)

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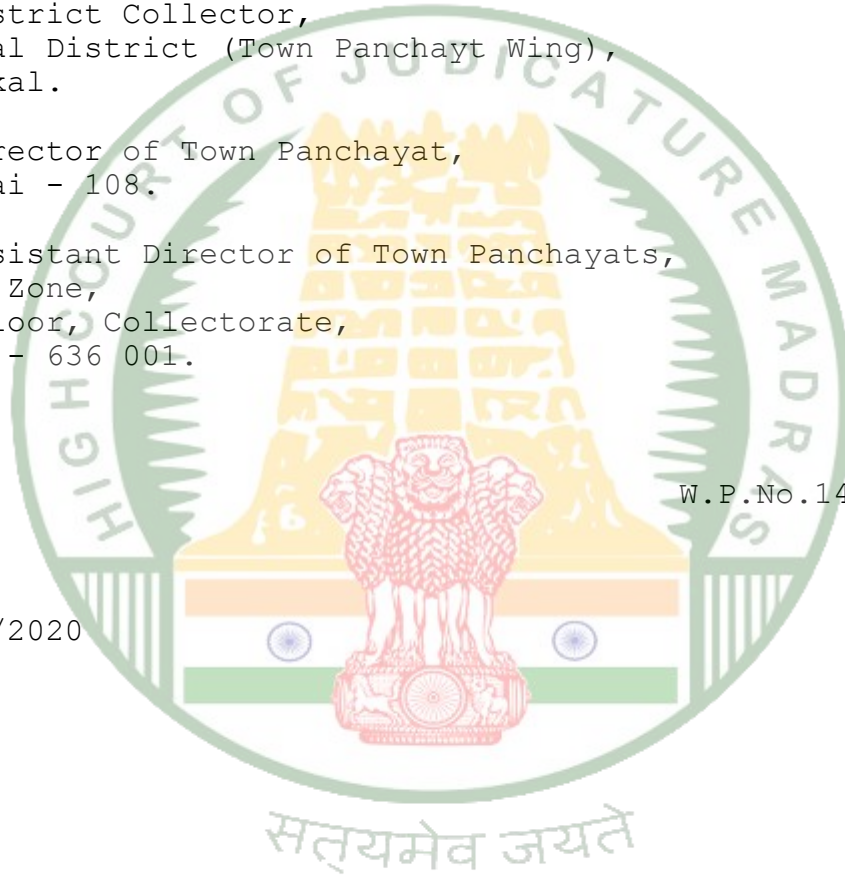
Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Department of Health and Family Welfare,
Chennai - 9.
2. The Director of Public Health and Preventive Medicine,
DMS,
Chennai - 6
3. The District Collector,
Namkkal District (Town Panchayt Wing),
Namakkal.
4. The Director of Town Panchayat,
Chennai - 108.
5. The Assistant Director of Town Panchayats,
Salem Zone,
2nd Floor, Collectorate,
Salem - 636 001.

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SRG 02/12/2020



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