

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6368 of 2014

And

M.P.Nos.1 and 2 of 2014

M.Ranganathan

... Petitioner

Vs.

1.The Commissioner,
Mettupalayam Municipality,
Mettupalayam.

2.The Assistant Director of Employment Exchange,
Office of the District Employment Office,
Coimbatore.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the second respondent to send the petitioner's name to the 1st respondent according to the petitioner's seniority and educational qualification and appoint the petitioner as Junior Assistant.

For Petitioner : Ms.S.Varsha
For Respondents : Mr.R.N.Amarnath for R1
Mr.S.Thangavel for R2
Special Government Pleader

ORDER

This petition has been filed seeking issuance of Writ of Mandamus to direct the second respondent to send the petitioner's name to the first respondent according to the petitioner's seniority and educational qualification and to appoint the petitioner as Junior Assistant.

2.The case of the petitioner is that the petitioner after completing SSLC enrolled his name in the Employment Exchange on 11.06.2004 and after completing his Graduation in Science Computer/ Information Technology his registration number was changed and the date of registration has been mentioned as 25.03.2012. The petitioner belong to SC (Arunthathiar) Community. The grievance of the petitioner is that, without following the communal roster and employment seniority, the respondents proceed to fill up the posts in the Mettupalayam Municipality.

3.The learned counsel appearing for the petitioner would submit that without following the communal roster and employment seniority, the respondents appointed one Radha Devi which is non est in law. The learned counsel would further submit that the petitioner registered

his graduation during the year 2012, whereas, the said Radha Devi registered her qualification just few weeks before the recruitment, during the year 2013.

4.The learned Special Government Pleader would submit that the petitioner does not come under the priority category, whereas, the said Radha Devi comes under the priority category 'destitute widow'. He would further submit that the petitioner without challenging the appointment order given to the said Radha Devi, has filed this writ petition, which is un-sustainable one.

5.At this juncture, the learned counsel appearing for the petitioner requested this Court to permit the petitioner to amend the prayer as that of challenging the appointment order given to the said Radha Devi.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.Though the petitioner has registered his qualification in the Employment Exchange during the year 2012, the petitioner does not

come under the priority category, whereas, the said Radha Devi comes under the priority category 'destitute widow' and the appointment of the said Radha Devi was made in accordance with law. Further, the petitioner without challenging the appointment order given to the said Radha Devi, has filed this writ petition. Hence, this Court is not inclined to grant the relief sought for by the petitioner.

8.As per the order of this Court dated 11.11.2020, the first respondent appeared before this Court today. The further appearance of the first respondent is dispensed with.

9.This writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

30.11.2020

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Speaking Order/ Non Speaking Order

Index: Yes/ No Internet: Yes/ No

To

1.The Commissioner,
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2.The Assistant Director of Employment Exchange,
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4/5

W.P.No.6368 of 2014

M.DHANDAPANI,J.
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