



W.P. (MD) .Nos.3562, 3563, 3564 and 3565 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .Nos.3562, 3563, 3564 and 3565 of 2011

and

M.P. (MD) Nos.1, 1, 1 and 1 of 2011

1.M.Murugesan	... Petitioner in W.P. (MD) No.3562 of 2011
2.K.Chandrasekar	... Petitioner in W.P. (MD) No.3563 of 2011
3.L.Petchimuthu	... Petitioner in W.P. (MD) No.3564 of 2011
4.K.Veluchamy	... Petitioner in W.P. (MD) No.3565 of 2011

-Vs-

1.The Commissioner,
Municipal Administration,
Chepauk, Chennai-5.

2.The Commissioner,
Kovilpatti Municipality,
Kovilpatti.

3.M.Subbiah

4.Murugan

5.Lakshmi

6.J.Selvakumar

7.A.Vijayalakshmi

8.S.Vijaya

... Respondents in all W.Ps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the selection list of candidates appointed for the post of sanitary workers in the second respondent municipality and copy furnished by the second respondent in his proceedings Na.Ka.No.892/2011/A3, dated 03.03.2011 obtained under Right to Information Act and quash the appointment made in respect of the Serial numbers 6 and 8 to 12 in the selection list the respondents 3 to 8 herein and direct the second respondent to appoint the petitioners as sanitary worker in the second respondent municipality.

For Petitioner
(in all W.Ps)

: Mr.PT.S.Narendravasan



For R1 : Mr.S.Dhayalan
(in all W.Ps) Government Advocate

For R2 : Mr.J.Parekhkumar
(in all W.Ps)

For R3 to R8 : Mr.J.Pooventherarajan
(in all W.Ps)

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COMMON ORDER

All these batch of writ petitions are filed questioning the selection of candidates who were appointed as Sanitary Workers in the second respondent municipality. The selection list was obtained by the petitioners through Right to Information Act. The selection is sought to be quashed and further direction is sought for to appoint the petitioners as Sanitary Workers.

2.The facts in nutshell to be considered for the purpose of deciding these writ petitions are that the petitioners claim that they are fully qualified for appointment to the post of Sanitary Workers in the second respondent/Kovilpatti Municipality. The process of selection was conducted and the respondents 3 to 8 were appointed as Sanitary Workers.

3.The learned counsel appearing on behalf of the writ petitioners made a submission that the writ petitioners are fully qualified and the process of selection was not conducted in accordance with the procedures contemplated and the Government Orders in this regard were violated. The priority quota are not given properly. Rule of reservation was improperly implemented. Therefore, the entire selection is to be quashed and the writ petitioners should be appointed as Sanitary Workers.

4.The writ petitioners could not able to produce the selection details. However, all the writ petitioners had participated in the process of selection and not selected for appointment to the post of Sanitary Workers. Thus, the writ petitions filed by unsuccessful candidates challenging the process of selection. The constitutional Courts have held that unsuccessful candidates cannot question the process of selection at the later point of time. The counter filed by the second respondent reveals that the processes were followed scrupulously, while conducting the selection for appointment to the post of Sanitary Workers. The details regarding the selection process conducted by the respondents are narrated in Paragraph Nos.4, 5 and 6 which are extracted hereunder:-

"....4.It is most respectfully submitted that finally this respondent has sent a requisition dated 03.08.2019 in Na.Ka.No.10242/2006/H1 to sponsor the



eligible candidates for 12 sanitary workers in roster of with preference to Local Candidates and ratio of 1:5. Based on the roster the vacancies has to be filled in the category of

- i. General SC (Arunthathiar) Priority-1,
- ii. General SC Non Priority-1
- iii. General MBC Priority-1
- iv. General BC Priority-1
- v. General BC Non Priority-1
- vi. General OC Priority-1
- vii. General OC Non Priority-2
- viii. Women SC Priority-1
- ix. Women MBC Non Priority-1
- x. Women BC Non Priority-1
- xi. Women OC Non Priority-1

It is further submitted that the District Employment exchange sponsored available candidates of 49 persons for the above said categories that 1,5,5,5,5,5,10,2,4,2 and 5 respectively.

5. It is respectively submitted that this respondent has constituted a committee consisting 6 members headed by Sanitary Officer, namely, S. Rajasekaran vide its proceedings dated 09.10.2010 directed them to find out skill and ability of the candidates in cleaning the street, drainage and toilet. The interview for the above said post has been conducted on 27.10.2010 in respect of General categories and 28.10.2010 in Women categories. On 27.10.2010, 22 persons attended the interview and on 28.10.2010, 5 persons attended the interview. In the categories of General SC Arunthathiar Priority, General BC Priority, General BC Non Priority, Women MBC Non Priority and Women BC Non Priority totally 5 posts, no person has been attended the interview and working skill test and therefore, the above said 5 posts were included in the next recruitment for the post of sanitary workers. In others categories the following persons were selected based on the marks obtained among the persons in same category and they



i. General SC Non Priority-Vijayalakshmi-7th respondent

ii. General MBC Priority-Selvakumar-6th respondent

iii. General OC Priority-Murugan-4th respondent

iv. General OC Non Priority-i. Subbiah-3rd respondent

ii. Kumar

v. Women SC Priority-Lakshmi-5th respondent

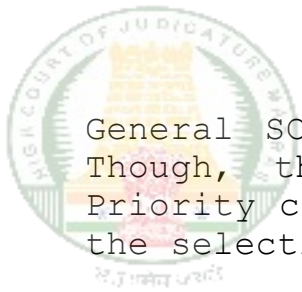
vi. Women OC Non Priority-Vijaya-8th respondent

6. The above said selection has been placed before the Selection Committee and based on the resolution passed by the Selection Committee dated 03.12.2010, 28.01.2011 and clarification dated 14.01.2011 which was given by the first respondent herein, the appointment orders have been issued to them for the post of sanitary worker on 28.01.2011.."

5. It is contended by the learned counsel appearing on behalf of the second respondent that the impugned order enclosed along with the writ petitions, is not the selection list and it is only an information furnished to one Mr. Sankaran under Right to Information Act regarding the total appointments made in the post of Sanitary Workers during the year 2010. Five persons were appointed on compassionate ground, due to the death of the employees or on medical invalidation of their parents. The recruitment process was conducted for 12 posts of Sanitary Workers and the selection was conducted with reference to the candidates sponsored through Employment Exchange. Out of 12 posts, 7 were selected and 5 posts were unselected due to the absents of candidates and the above posts have been included in the further recruitment.

6. The writ petitioners have participated in the interview on 27.10.2010 in the category of General OC Non priority. For two posts, 10 candidates were called for interview and 9 were attended the interview on 27.10.2010 including the petitioners. On skill and ability test conducted by the interview committee, the petitioners, namely, Murugesan, Chandrasekar, Petchimuthu and Velusamy were obtained 71, 85, 82 and 70 marks respectively and one Kumar and the third respondent, namely, Subbiah were obtained 93 and 92 marks respectively. Thus, they were selected against the vacancies in General OC Non priority and placed the same before the selection committee for approval. Accordingly, they were selected.

7. Respondents 4 to 8 were selected in the category of General OC Priority, Women SC Priority, General MBC Priority,



General SC Non Priority and Women OC Non Priority respectively. Though, the writ petitioners are belonging to SC and ST Non Priority community, they cannot be either participate or question the selection of respondents 4 to 8.

8.This Court is of the considered opinion that the respondents could able to establish that they have followed the procedures in the matter of conduct of selection for appointment to the post of Sanitary Workers. This being the factum, the petitioners who were unsuccessful in the process of interview cannot challenge the selection in the absence of any valid legal ground for interference. Thus, the writ petitioners are not established any acceptable legal grounds for the purpose of considering the relief as such sought for in these writ petitions.

9.Accordingly, these writ petitions are devoid of merit and stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

sjj

To

1.The Commissioner,
Municipal Administration,
Chepauk, Chennai-5.

2.The Commissioner,
Kovilpatti Municipality,
Kovilpatti.

+1 CC to Mr.PT.S. NARENDRAVASAN, Advocate (SR-19730[F] dated 12/10/2020)

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09.10.2020

AC (CO)

KM (21.10.2020) 5P 4C