



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.01.2020**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

WEB COPY

W.P.(MD)No.1223 of 2020

and

W.M.P.(MD)Nos.996 and 997 of 2020

S.Sanjai Seenivasan

... Petitioner

/vs./

1.State Represented by its  
Secretary,  
Municipal Administration and Water Supply,  
Fort St. George, Chennai.

2.The Commissioner,  
Office of the Commissioner,  
Oddanchatram Municipality,  
Oddanchatram, Dindigul District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned notification vide Na.Ka.No.844/2018/B1, dated 13.01.2020, issued by the second respondent and published in Malaimurasu, Madurai Edition, dated 16.01.2020 and quash the same as illegal and consequently directing the respondents to regularize the services of the petitioner as a Technical Assistant at the second respondent's Municipality from the date of his service.

For Petitioner : Mrs.A.Rajini

For Respondents : Mr.C.M.Marichellaiah

Additional Government Pleader

### **ORDER**

The petitioner claims to have been appointed on temporary basis from 01.10.2010 onwards under the second respondent's Municipality in the post of Technical Assistant. Since the present impugned notification calls for filling up the post of Work Inspector, which is equivalent to that of Technical Assistant, the petitioner herein seeks to quash the notification on the ground that he has been rendering services under the second respondent's Municipality for the past nine years.



2.The learned Additional Government Pleader for the respondents would submit that the petitioner herein was not appointed by the Municipality and that his services were engaged through Contractor who was outsourced. Even otherwise, as per the Tamil Nadu Engineering Subordinates Service Rules, the mode of recruitment to the post of Work Inspector is by direct recruitment and therefore, regularizing the petitioner, who was appointed through a Contractor, is impermissible. When the said rules prescribed the mode of recruitment to fill up the vacancy to the post of Work Inspector through direct recruitment, it would not be appropriate for this Court to invoke its extraordinary powers under Article 226 of the Constitution of India and thereby, direct regularization of the petitioner's services, particularly, when the second respondent was not directly inducted and his services were only temporary.

3.Nevertheless, it is claimed by the petitioner herein that he had also applied for the said post of Work Inspector pursuant to the impugned notification, dated 13.01.2020. If at all the petitioner is qualified to apply for the said post, the second respondent herein shall consider the petitioner's candidature for the said post, pursuant to the notification and take further course of action in accordance with law.

4.With the above observations, the writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Secretary,  
Municipal Administration and Water Supply,  
Fort St. George, Chennai.

2.The Commissioner,  
Office of the Commissioner,  
Oddanchatram Municipality, Oddanchatram, Dindigul District.

+1 CC to M/s.A.RAJINI, Advocate ( SR-3384[F] dated 28/01/2020)

Order made in  
W.P. (MD) No.1223 of 2020  
28.01.2020

sjj  
SDS(28.01.2020) 2P-4C

<https://hcservices.ecourts.gov.in/hcservices/>