



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2020

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WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.3952 of 2020

and

WMP (MD) No.3346 of 2020

P.Masilamani

... Petitioner

vs.

The District Collector,
Theni District,
Theni.

... Respondent

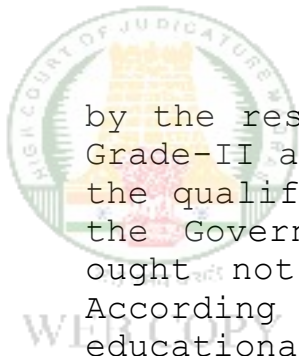
Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's application for the post of Road Inspector in the notification vide Na.Ka.No.2151/2020/Oo.Va5 dated 24-01-2020 by considering his representation dated 03-02-2020.

For Petitioner : Mr.C.Vakeeswaran
For Respondent : Mr.M.Karuppasamy Pandian
Government Advocate

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's application for the post of Road Inspector in the notification vide Na.Ka.No.2151/2020/Oo.Va5 dated 24-01-2020 by considering his representation dated 03-02-2020.

2.The petitioner would submit that he has completed 10th Standard in April 1997 and thereafter, he got diploma in Civil Engineering on 26.04.2001 and also got ITI certificate in July 2014. In 2002-2003, the petitioner worked as Assistant under the Bodinaickkanur Panchayat Union for the construction work under the guidance of the Panchayat Union Engineer as well as the Commissioner of Panchayat Union on temporary basis. Thereafter, from 2003 to 2011, he worked as Technical Assistant in the Highways Department, Bodinaickkanur Division, on daily wage basis and he is more experienced in the work of laying the road and bridge. While so, in November 2015, a notification was called for



by the respondent for filling up the five posts of Road Inspector Grade-II and the qualification for the said post is, one must have the qualification of I.T.I Certificate in Civil Draftsmanship from the Government Recognised Institute and in respect of age, he ought not to have completed 35 years on the cut off date. According to the petitioner, he has possessed the requisite educational qualification for the said post and he participated in the recruitment for the year 2015, but later on, the respondent cancelled the said recruitment. However, now, the respondent has called for notification dated 24.01.2020 for filling up 14 posts of Road Inspector including 4 backlog posts. According to the petitioner, now he is aged more than 35 years and if the respondent conducted interview as per the earlier notification, he would have got selected. Therefore, he had sent a representation dated 03.02.2020 to the respondent to consider him for the abovesaid post which was not considered. Hence, this writ petition.

3.Today, when the writ petition is taken up for hearing, learned counsel for the petitioner would state that it is suffice, if a direction is issued to the respondent to pass orders on the representation of the petitioner dated 03.02.2020.

4.The learned Government Advocate appearing for the respondent would state that the respondent will pass orders on the representation of the petitioner dated 03.02.2020 within a time frame to be fixed by this Court.

5.Considering the limited relief sought for and the submission of the learned Government Advocate, this writ petition is disposed of directing the respondent to pass orders on the representation of the petitioner dated 03.02.2020 in accordance with law within a period of **(*)two weeks** from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

**(*)Modified vide court order dated 16.03.2020
in WP(MD) Nos.3505 & 3952 of 2020**

Sd/-

Assistant Registrar(P & A)

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/ /2020

Sub Assistant Registrar(CS)



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To

(*) to be substituted the order already despatched on 11.03.2020

The District Collector,
Theni District,
Theni.

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-10889[F] dated
10/03/2020)

+1 CC to M/s.SPL.GP (SR-11098[F] dated 11/03/2020)

ORDER MADE IN
W.P(MD)No.3952 of 2020
DATED : 10.03.2020

DB(CO)
TR(11.03.2020)3P 4C
TR(17.03.2020)3P 4C