



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.9957 of 2015

R.Sakthivel

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai.

2.The Commissioner,
Kovilpatti Municipality,
Kovilpatti,
Tuticorin District.

3.The Appointment Committee,
Kovilpatti Municipality, Kovilpatti,
Tuticorin District rep. by its Chairman,

4.The District Employment Officer,
Employment Office,
Tuticorin District,
Korampallam, Tuticorin.

5.S.Santhanamari

... Respondents

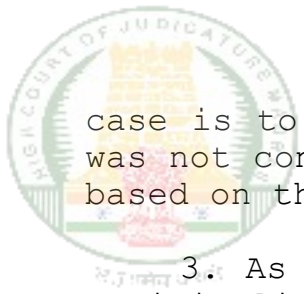
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 2nd respondent in Na.Ka.No.3201/2012/C1, dated 22.01.2014 and quash the same, further directing the respondents 1 to 4 to appoint the petitioner as a Sanitary worker in the 2nd respondent Municipality.

For Petitioner	:	Mr.P.Santhosh Kumar
For Respondents	:	Mr.D.Muruganandham
(R1, R3 & R4)	:	Additional Government Pleader
For Respondent-2	:	Mr.M.Saravanan
For Respondent-5	:	Mr.C.R.Ravindran

O R D E R

The relief sought for in the present Writ Petition is to quash the temporary appointment order, dated 22.01.2014, issued in favour of the 5th respondent.

2. The petitioner participated in the process of selection, . however, she was unsuccessful. The 5th respondent was appointed as sanitary worker and the grievances of the writ petitioner is that she is the permanent resident of the same village and therefore, her



case is to be considered. The petitioner states that the selection was not conducted in accordance with the procedures contemplated and based on the improper selection, the 5th respondent was appointed.

3. As far as the very same selection with reference Kovilpatti Municipality, this Court has passed an order on 21.06.2019 in W.P (MD)Nos. 6891 and 6892 of 2013 and the relevant paragraphs are extracted hereunder

"2.The relief sought for in those writ petitions are that to declare the entire selection process for the post of Sanitary Worker in the second respondent Municipality, based on the interview dated 21.02.2014 as null and void and consequently, to direct the respondents to redo the selection process in accordance with law. Those writ petitions were adjudicated by this Court and a final order was passed on 28.08.2014 as follows:

"7.This Court is unable to agree with the arguments advanced by the learned counsel appearing for the petitioners. The reason is that as per Rule 8 of the Tamil Nadu Municipal (Non-Centralized-Regular) Public Health Establishment Regulation, 1976, then the second respondent is the competent authority, who has conducted the selection process and completed the same, by appointing various candidates, belonging to the Scheduled Caste and Most Backward Class Communities, to the case of the petitioners that the respondents, while selecting the candidates, have not followed the seniority and the communal rotation, cannot be accepted. Secondly, the petitioners have not come forward to challenge the selection of the candidates, by impleading the selected candidates as party respondents. 8.In such view of the matter, this Court is not inclined to grant the relief, as prayed for by the petitioners. Hence, the writ petitions stand dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed."

3.The present writ petitions were filed prior to the writ petition decided earlier and cited supra, the present writ petitions were filed during the year 2013 with the prayer to direct the respondents to consider the petitioners' name in the recruitment for the appointment to the post of Sanitary Worker in Kovilpatti Municipality, based on the interview held on 25.04.2013.



4.It is brought to the notice of this Court that the writ petitioners had participated in the process of interview. This apart, the subsequent writ petitions seeking declaration of the selection process was dismissed by this Court. Further, the selection was of the year 2013 and the appointed candidates are now serving for the past more than 5 years. In view of the fact that the earlier writ petitions filed by the very same writ petitioners was dismissed with reference to the same selection process, the present writ petition deserves no further consideration and accordingly, these writ petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed."

4. In view of the orders passed in the Writ Petitions cited supra, no further consideration is required with reference to the grounds raised in the present Writ Petition and accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

MPK

To

- 1.The Commissioner of Municipal Administration,
Ezhilagam, Chepauk, Chennai.
- 2.The Commissioner, Kovilpatti Municipality,
Kovilpatti, Tuticorin District.
- 3.The Appointment Committee,
Kovilpatti Municipality, Kovilpatti,
Tuticorin District rep. by its Chairman,
- 4.The District Employment Officer, Employment Office,
Tuticorin District, Korampallam, Tuticorin.

+1 CC to M/s Special Government Pleader SR.No.25157.

+1 CC to M/s M.Saravanan, Advocate, in SR.No.24791.

W.P. (MD)No.9957 of 2015

09.12.2020

(SS) CO

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