



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)Nos.1564 of 2010 and 1095 of 2011
and
W.M.P(MD)Nos.1 & 2 of 2010 and 3 of 2014

W.P(MD)No.1564 of 2010

R.Kannagi

Vs.

... Petitioner

1.The Divisional Engineer (Highways),
Highways Department,
Ramanathapuram.

2.Sri Meenakshisundaram
Divisional Engineer (Highways),
Highways Department,
Sivagangai.

3.R.S.Hemalatha

4.C.Renuka Devi

5.R.Tamil Selvi

6.M.Angayarkanni

7.K.Saravanan

8.R.Chandran

9.R.M.Kamatchi

10.S.Revathi

11.B.Anandha Sekaran

12.R.Natarajan

13.P.Karthikeyan

14.V.Selvarajan



15.K.Dhanvanthiri

16.S.Rajagopalan

... Respondents

[R7 to R16 were impelled vide order dated
09.09.2014 in M.P(MD)No.1 of 2014]

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of certiorarified mandamus calling for the records relating to the impugned proceedings vide Se.Mu.Ka.No.10/2008/Aa93, dated 07.12.2009, passed by the 1st respondent and quash the same and consequently, direct the 1st respondent to appoint the petitioner to the post of Road Inspector, Grade II.

[Prayer amended vide order dated 21.06.2016
in M.P(MD)No.2 of 2014]

For Petitioner	:	Mr.S.Anwar Sameem for Mr.T.Antony Arulraj
For Respondent Nos.1 & 2	:	Mr.D.Muruganantham Additional Government Pleader
For Respondent Nos.3 to 6	:	Mr.M.E.Ilango for M/s.Ajmal Associates
For Respondent No.12	:	Mr.PT.S.Narendra Vasan
For Respondent No.13	:	No appearance

W.P(MD)No.1095 of 2011

P.Visalakshi

... Petitioner

Vs.

1.The Chief Engineer,
National Highways,
Chepauk, Chennai.

2.The Divisional Engineer,
Highways Department,
Ramanad (HWD) Division,
Ramanathapuram.

3.R.Natarajan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of certiorarified mandamus, calling for the records relating to the impugned appointment order of the 3rd respondent passed by the 2nd respondent in his proceedings Se.Mu.Ka.No.10/ 2008/Aa3, dated 07.12.2009 and quash the same as illegal and consequently, direct the 1st respondent to consider the



petitioner for appointment to the post of Road Inspector Grade II by taking into account of the petitioner employment seniority within the period that may be stipulated by this Court.

For Petitioner : Mr.M.E.Ilango
for M/s.Ajamal Associates
For Respondent : Mr.D.Muruganantham
Nos.1 & 2 Additional Government Pleader
For Respondent : Mr.PT.S.Narendravasan
No.3

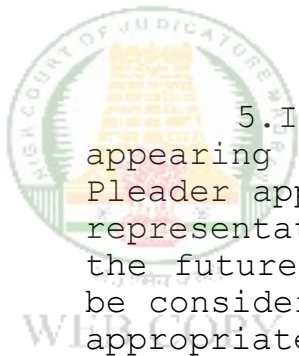
COMMON ORDER

These writ petitions have been filed seeking to quash the impugned proceedings passed in Se.Mu.Ka.No.10/ 2008/Aa3, dated 07.12.2009 by the Divisional Engineer, Highways Department, Ramanathapuram Highways Division.

2.Both the petitioners have participated in the selection process for the post of Road Inspector Grade II, but they have not been selected. As against their non selection, the petitioners have filed these writ petitions, challenging the selection of the private respondents and hence both these writ petitions are heard together and disposed of by way of this common order.

3.The case of the petitioners is that they were enrolled in the Employment Exchange, Ramanathapuram. There arose vacancies in the post of Road Inspector Grade-II during the year 2009. Therefore, the list of candidates for appointment to the said post was sponsored by the Employment Exchange, Ramanathapuram at 1:5 ratio, in other words, among the five eligible candidates, the senior will be selected. Though the petitioners were senior most candidates and fully eligible for appointment to the post of Road Inspector Grade II, they were ignored. The then Divisional Engineer, National Highways, Ramanathapuram was in charge of the selection process. Unfortunately, the selection process was not done in a proper manner and the eligible candidates were ignored and ineligible candidates were selected. Therefore, challenging the selection of the private respondents as Road Inspectors Grade II, these writ petitions have been filed.

4.The learned Counsel for the petitioners submitted that though the petitioners have challenged the selection of the private respondents to the post of Road Inspector Grade II, now, after the lapse of ten years, the petitioners are not so serious to adjudicate this issue. However, the learned Counsel appearing for the petitioners prayed that this Court may direct the official respondents, to permit the petitioners to participate in the future selection process to the said post, as well as grant permission to the petitioners to make their representations for age relaxation in the future selection process.



5. In response to the submission made by the learned Counsel appearing for the petitioners, the learned Additional Government Pleader appearing for the official respondents submitted that if any representation is received from the petitioners for participating in the future selection process and for age relaxation, the same will be considered by the authority concerned, in accordance with law and appropriate orders will be passed.

6. Heard the respective learned Counsel appearing on either side and perused the materials placed on records.

7. Considering the limited request of the petitioners that though they were eligible for selection to the post of Road Inspector Grade II, they were not selected in the previous selection process and however, now they are graciously, not interested in interfering with the appointment of the private respondents, the petitioners are permitted to make representations to the Government, for participating in the future selection process as well as for age relaxation and on such receipt of the representations, the Government, shall consider the same and pass appropriate orders in accordance with law, by taking to account the non-employment of the petitioners for the past several years.

8. With the above directions, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

dsk

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To :-

The Divisional Engineer (Highways),
Highways Department, Ramnad (HWD) Division
Ramanathapuram.

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



W.P.(MD)Nos.1564 of 2010 & 1095 of 2011

+2 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-469,468[F]dated
07/01/2021)

+1 CC to SPL GP (SR-435[F] dated 07/01/2021)

+1 CC to Mr.T.ANTONY ARUL RAJ, Advocate (SR-368[F] dated
06/01/2021)

W.P (MD) Nos.1564 of 2010
and
1095 of 2011
06.01.2021

VB (09.02.2021) 5P 6C