



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9749 of 2021

WEB COPY

S.Mariamammal

... Petitioner

Vs.

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

2.The Regional Director of Municipal Administration,
No.294, Melakal Main Road,
Kochadai,
Madurai District.

3.The Commissioner,
Tirumangalam Municipality,
Tirumangalam,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third respondent to give promotion to the petitioner, as per seniority basis to the post of Sanitary Supervisor in the 3rd respondent office, on the basis of the petitioner's representation, dated 10.04.2021, within the stipulated time fixed by this Court.

For Petitioners : Mr.Sasidharan Tamilkani.S.P.

For Respondents : Mr.P.Thilak Kumar

Standing Counsel for the Government

ORDER

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the third respondent to give promotion to the petitioner, as per seniority basis to the post of Sanitary Supervisor in the 3rd respondent office, on the basis of the petitioner's representation, dated 10.04.2021



4. The case of the petitioner is that he belongs to Schedule Caste Community and he studied upto 8th standard. The petitioner was appointed as a Sanitary Worker, on 14.11.1996, in the third respondent Municipality. While so, the petitioner has made a representation, dated 29.04.2013, to the District Collector, to make an entry of his educational qualifications in the service register book and also consider his promotion to the post of Sanitary Supervisor, as per seniority. Pursuant to which, the third respondent directed the petitioner to submit the original school certificates and the petitioner has also produced the same before the third respondent. Since no action has been taken, the petitioner has made a detailed representation, on 15.11.2016 to the third respondent. Again the third respondent requested the petitioner to submit the original school certificates. After receiving the said certificates, the third respondent, through his proceedings, dated 28.11.2016, sent the petitioner's school certificates to the Director of Government Examinations, School Education Directorate Campus, College Road, Nungambakkam, Chennai, who has scrutinized the petitioner's certificates and sent a report to the third respondent. After receiving the said report, the third respondent has not taken any steps. Though the petitioner is eligible to get promotion to the post of Sanitary Supervisor, his juniors were promoted to the said post, without considering the petitioner's request. Hence, the petitioner has made a detailed representation on 10.04.2021, in this regard. Since the third respondent has not considered the petitioner's request, the present writ petition is filed.

5. The learned counsel appearing for the petitioner would state that it would be suffice if a direction is given to the third respondent to dispose the petitioner's representation.

6. The learned standing counsel for the Government would state that the petitioner's representation would be disposed of within a time frame.

7. Considering the submissions of the learned counsel for the petitioner as well as the counsel for the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner either in his representation or in this Writ Petition, the third respondent is directed to consider the representation of the petitioner dated 10.04.2021 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



8. With the above direction, the writ petition is disposed of.
No costs.

WEB COPY

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note:(i) 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:

- 1.The Commissioner of Municipal Administration,
Chepauk,
Chennai-5.
- 2.The Regional Director of Municipal Administration,
No.294, Melakal Main Road,
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Madurai District.
- 3.The Commissioner,
Tirumangalam Municipality,
Tirumangalam, Madurai District.

+1 CC to M/s.SPL GP (SR-18959[F] dated 07/06/2021)

W.P (MD)No.9749 of 2021

04.06.2021

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