



W.P.(MD)No.330 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)No.330 of 2020
and
W.M.P.(MD)Nos.246 and 247 of 2020**

P.Suresh

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Secretary to Government,
Municipal Administration,
Water Supply Department,
Fort St.George,
Chennai-09.

2.The Commissioner,
Municipal Administration,
Chepauk,
Chennai-05.

3.The Commissioner,
Gudalur Municipality,
Uthamapalayam Taluk,
Theni District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India



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praying for issuance of Writ of Mandamus, directing the respondents to regularize the service of the petitioner to the post of Sanitary Worker in the 3rd respondent Municipality by taking into consideration of the long tenure of service rendered by the petitioner as a Sanitary Worker with all monetary and service benefits in view of the notice dated 18.12.2019 issued by the 3rd respondent municipality in Na.Ka.No.878/2019/C1, calling for application for new appointment to the post of Sanitary Worker and the same was published in the Tamil Daily namely Makkal Mugam dated 19.12.2019.

For Petitioner : Mr.A.Saravanan
For Respondents : Mr.S.P.Maharajan
Special Government Pleader
for R1 and R2
Mr.K.P.Krishnadoss for R3

O R D E R

This Writ Petition has been filed to direct the respondents to regularize the service of the petitioner to the post of Sanitary Worker in the 3rd respondent Municipality by taking into consideration the long tenure of service rendered by the petitioner as a Sanitary Worker with all monetary



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and service benefits.

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2. The learned counsel appearing for the petitioner submits that the petitioner was originally appointed as Sanitary Worker in the third respondent Municipality on daily basis and till now, he is working as Sanitary worker without any adverse remarks. However, the service of the petitioner was not regularized. While so, on 18.12.2019, the third respondent Municipality has published a notice calling for application to the post of Sanitary Workers by stating that three posts of Sanitary Workers are going to be filled. Without regularizing the service of the petitioner, the third respondent has decided to fill up the said post through open market which is not sustainable one.

3. The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the petitioner is a daily wage worker and no appointment order has been produced before this Court. Further, in the year 2019, three vacancies arose in the third respondent Municipality. As per the guidelines issued by the Government, the selection process was



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conducted. However, the petitioner was not selected. Without challenging the selection process conducted in the year 2019, filing a writ petition under Article 226 of the Constitution of India is not sustainable one. Hence, he prays for dismissal of the writ petition.

4. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the respondent No.3.

5. The facts in the present case are not in dispute. The petitioner claims that he was appointed as Sanitary Worker in the year 2012. However, no appointment order has been produced by him before this Court. In fact, the petitioner has participated in the selection process conducted in the year 2019, but the petitioner was not selected and his candidature was rejected. Further, no scheme is available for considering the petitioner's candidature or for regularizing the service of the petitioner. In the absence of scheme and without challenging the rejection order, filing a writ petition under Article 226 of the Constitution of India is not sustainable one. Hence, this



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Writ Petition is dismissed. No costs. Connected miscellaneous petitions are closed.

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Index : Yes / No

Speaking Order : Yes / No

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