



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.2352 of 2021

and

W.M.P. (MD) No.1951 of 2021

WEB COPY

S.Veni

... Petitioner

vs.

1.The District Collector
Tirunelveli District
Tirunelveli

2.The Assistant Director of Town Panchayats
Tirunelveli Region
Tirunelveli District

3.The Executive Officer
Melacheval Town Panchayat
Melacheval, Tirunelveli District

4.T.Velammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 2 and 3 to appoint the petitioner in the post of priority sweeper post laying vacant at 3rd respondent Panchayat in the light of the interview conducted on 08.09.2020 based on the call letter issued to the petitioner dated 18.08.2020 as per the notification of the 2nd respondent dated 03.08.2020 within a time frame as fixed by this Court.

For Petitioner : Mr.Balasubramaniam.R.

For Respondents : Mr.A.K.Manikkam

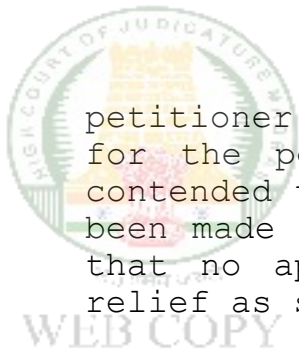
Special Government Pleader for R1 to R3

O R D E R

The relief sought for in this writ petition is to direct the respondents 2 and 3 to appoint the petitioner as Sweeper.

2. The learned counsel for the petitioner made a submission that the petitioner participated in the process of selection, however, she was not appointed as Sweeper.

3. The learned Special Government Pleader appearing for the respondents 1 to 3 made a submission that even as per the affidavit filed in support of the writ petition, the disability of the



petitioner is mentioned as 85%. Therefore, it may not be suitable for the petitioner to perform duty as Sweeper. Further, it is contended that pursuant to the selection process, no appointment has been made in favour of any of the candidates. In view of the fact that no appointment has been made, the question of granting the relief as such sought for does not arise at all.

4. Appointment can never be claimed as a matter of right. All appointments are to be made strictly in accordance with the Recruitment Rules. Eligibility and suitability of the candidates are to be assessed by the Selecting Authority. All such procedures are to be followed while undergoing the process of selection. In the present case, even though selection was conducted, nobody was appointed in the post of Sweeper and therefore, the relief as such sought for by the petitioner cannot be granted.

5. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

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To:

1..The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Assistant Director of Town Panchayats,
Tirunelveli Region,Tirunelveli District.

3.The Executive Officer, Melacheval Town Panchayat,
Melacheval, Tirunelveli District.

+1 CC to M/s.SPL.GP. (SR-18577[F] dated 13/04/2022)

+1 CC to M/s.R.BALASUBRAMANIAM, Advocate (SR-19109[F] dated 18/04/2022)

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and

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TP (CO)

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