



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2022**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.9669 of 2021

D.Saravanan

:Petitioner

.vs.

1.The District Collector,
Collectorate Office,
Karur,
Karur District.

2.The Assistant Director,
Town Panchayat Collectorate Building,
Dindigul & Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to give alternative employment from Bill Collector to Junior Assistant to the petitioner as per G.O.No.48, dt. 30.03.1998 (Municipal Admi. & Water Supply) by passing order on the petitioner's representation dated 04.02.2021.

For Petitioner

:Mr.N.Edwin Jeyakumar

For Respondents

:Mr.A.K.Manikkam

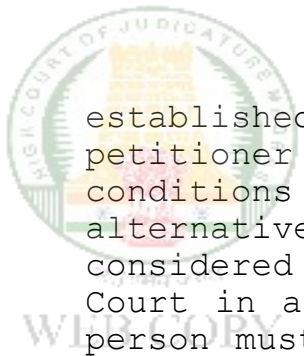
Special Government Pleader

O R D E R

The relief sought for in this writ petition is to direct the respondents to give alternative employment to the writ petitioner from the post of Bill Collector to Junior Assistant, as per G.O.No.48, (Municipal Admi. & Water Supply) dated 30.03.1998.

2.The learned Special Government Pleader appearing for the respondents made a submission that the Bill Collector Grade-I post is equivalent to the post of Junior Assistant.

3.This Court is of the considered opinion that providing an alternative employment to the post of Junior Assistant cannot be considered by the Court. Mere eligibility of the petitioner to hold some other post, ie., Junior Assistant, cannot be a ground to entertain the writ petition, unless right of the petitioner is



established, the Courts would not entitled to grant the relief. The petitioner admittedly is working as a Bill Collector and his service conditions are protected in the said post. If at all he seeks an alternative employment to the post of Junior Assistant, it is to be considered by the competent authority and certainly not by the High Court in a writ proceedings. For entertaining the writ petition, a person must established his right or infringement of right, in the absence of establishing any right, no writ needs to be entertained.

4.In the present case, the petitioner seeks alternative employment to the post of Junior Assistant and such an administrative decision cannot be taken by the High Court in a writ petition under Article 226 of the Constitution of India. Thus, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar(CS)

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To

1.The District Collector,
Collectorate Office,
Karur,
Karur District.

2.The Assistant Director,
Town Panchayat Collectorate Building,
Dindigul & Dindigul District.

+1 CC to M/s.SPL GP (SR-14334[F] dated 24/03/2022)

W.P (MD) No. 9669 of 2021

23.03.2022

MGJ(05.04.2022) 2P 4C