



WP.No.1409/2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.09.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.1409/2016

A.Saravana Kumar

... Petitioner

Versus

1.The District Collector
Erode District.

2.The Commissioner
Sathyamangalam Panchayat Union
Erode District.

3.The Block Development Officer
Sathyamangalam, Erode District.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the order passed by the 1st respondent in Na.Ka.No.2601/2013/Pa.E.3 dated 18.11.2015 and quash the same and further direct the respondents to reinstate the petitioner in service with all back wages and benefits.



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For Petitioner : Mr.S.Parthasarathy

For Respondents : Mr.S.Ravikumar, Spl.GP

ORDER

- (1) The writ petition has been filed in the nature of a certiorarified mandamus seeking records relating to an order passed by the 1st respondent, District Collector, Erode, in Na.Ka.No.2601/2013/Pa.E.3 dated 18.11.2015 and to quash the same and to direct the respondents to reinstate the petitioner in service with back wages and other benefits.
- (2) In the affidavit filed in support of the writ petition, the petitioner had stated that on an advertisement made in Tamil Daily about vacancies for the post of Office Assistant in Sathyamangalam Panchayat Union, the petitioner had made an application and was called for an interview on 20.05.2015. He had attended the interview and had produced his Certificates. On 27.05.2015, the 2nd respondent, Commissioner, Sathyamangam Panchayat Union in Erode District, had issued an Appointment Order appointing the petitioner to the post of Office



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Assistant. The petitioner claimed that he had been working and also received salary for two months. On 22.07.2015, he was not permitted to sign the Attendance Register. However, he was allowed to work till 09.09.2015. Since he did not receive the salary for the month of August, 2015, he made enquiries and was informed that the 3rd respondent, Block Development Officer, Sathyamangalam in Erode District, had removed the petitioner from service. The petitioner sought reasons for the same. It is complained that notice was not issued. It is also complained that only after proper interview, the petitioner had been appointed. It had also been stated that the petitioner had been continuously working for a period of four months and all of a sudden, he had been terminated from service. Complaining that the procedure required was not followed, the present writ petition has been filed. The petitioner seeks reinstatement with back wages and also other attendant benefits.

- (3) A counter affidavit has been filed by the 2nd respondent, Commissioner, Sathyamangalam Panchayat Union, wherein, it had been stated that consequent to the advertisements made in two Tamil



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Daily Newspapers, two candidates were sponsored by the Erode District Employment Exchange and totally eight candidates appeared for interview which was conducted on 20.05.2015. It had been stated that after issuing the Appointment Order to the petitioner, the details regarding the appointment was forwarded to the 1st respondent, District Collector, Erode, for concurrence. It had been stated that the post of Office Assistant had been reserved for a candidate from the General Priority Category and not from General Scheduled Caste Category. The petitioner did not belong to General Priority Category, but belonged to General Scheduled Caste category. Therefore, the 2nd respondent had directed cancellation of the appointment order issued to the petitioner herein. The 3rd respondent had accordingly issued the order terminating the petitioner from the post of Office Assistant on 21.07.2015. The respondents claimed that under General Priority Category, physically handicapped persons, blind, deaf or orthopaedically handicapped persons, mentally retarded, leprosy cured and candidates who had suffered burn injuries, provided those handicaps would not make them unfit for work,



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should alone have been considered for appointment to the said post. It had therefore been stated that by giving the petitioner an appointment, one of the candidates who could have fallen in any one of the above categories, had been denied work. It had also been stated that the appointment order itself contained very clear terms that the appointment was purely temporary in nature and can be cancelled at any time without notice. It was also stated that if the educational qualification and any other condition are found not in accordance with the Rules and Regulations, the appointment order could be cancelled. It had therefore been stated that exercising such power, the appointment of the petitioner had been cancelled. It had also been stated that the removal order was actually dated 21.07.2015 by the 2nd respondent in Na.Ka.No.670/2015/A1 and that order had not been questioned or challenged by the petitioner herein. It had therefore been stated that the petitioner does not have a right to seek continuation of employment and therefore, it had been contended that the writ petition should be dismissed.

(4) Heard the learned counsel for the petitioner and the learned Special



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Government Pleader appearing for the respondents.

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(5) It is a fact that the post was reserved for General Priority Category. There had been advertisements made in the Newspapers with respect to the same. The petitioner had not produced those documents for consideration of this Court. The first document produced by the petitioner is the interview letter dated 11.05.2015. The petitioner had appeared for the said interview. However, the learned Special Government Pleader, on the basis of the records, stated that only two candidates had been sponsored by the Employment Exchange and the petitioner was not one of the two candidates. It had also been stated that in the notification, it had been very clearly stated that the reservation was for General Priority Category. Thus, the persons who would therefore be benefited under that particular category would be, physically handicapped persons like the blind, the deaf, the orthopaedically handicapped, the mentally retarded, those who have been cured of leprosy and those who had suffered burn injuries, however, those candidates should not be so handicapped as to prevent them from functioning as Office Assistants. It had therefore been



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stated that the appointment of the petitioner who did not belong to any one of the above categories, is incorrect and illegal. The said fact had not been denied or disputed by the petitioner herein. The petitioner does not belong to any one of the aforementioned categories. The petitioner was called for interview. He had not been sponsored by the Employment Exchange. The petitioner having been selected, was made aware that the selection was purely temporary and he could be discharged at any time without notice. The service of the petitioner had not been regularised. Therefore, the issue of notice does not arise. Once the 1st respondent/District Collector had come to a conclusion that the petitioner did not fall under the General Priority Category, the only step which he should take was to cancel the appointment of the petitioner and he had therefore, directed the respondents 2 and 3 to cancel the appointment of the petitioner herein.

- (6) The learned counsel for the petitioner claimed that the documents had been made up by the respondents for the purpose of the case. But however, the documents which were available with the petitioner



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also, have not been filed. The petitioner had not filed the initial notification under which he had been called for interview which would have thrown light as to the category under which the post was sought to be filled. The petitioner had not filed that particular notification. The petitioner's claim cannot be countenanced by this Court.

- (7) In view of the reasons stated, the writ petition stands **dismissed**. However, this order or the cancellation of appointment should not come in the way of the petitioner being considered for any other post if he applies and if he comes within the category under which he belongs. I am confident that the petitioner would be selected for a suitable post provided he is otherwise eligible and in accordance with the Rules and Regulations. No costs.

12.09.2023

AP
Internet : Yes



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To

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- 2.The Commissioner
Sathyamangalam Panchayat Union
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Sathyamangalam, Erode District.



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C.V.KARTHIKEYAN, J.,

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