



W.P.No.18748 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.18748 of 2013

M.P.No.1 of 2013

A.Unnamalai

...Petitioner

-Vs-

1. The State of Tamilnadu,
Rep by its Secretary,
Health & Family Welfare Department,
Fort St. George,
Chennai – 9.
2. The Director of Public Health &
Preventive Medicine,
DMS Compound,
Teynampet,
Chennai – 6.
3. The Joint Director of Medical & Rural
Health Services and Family Welfare,
Government Hospital,
Krishnagiri.
4. The Chief Medical Officer,
Government Hospital,
Mathur,
Krishnagiri.

... Respondents



W.P.No.18748 of 2013

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the records in proceedings nil, dated 19.04.2013, on the file of the third respondent and quash the same as illegal, incompetent and unconstitutional and further direct the respondents to reinstate and absorb the petitioner as sanitary worker/sweeper from the original date of appointment.

For Petitioner : Mr.Sunny Sheen
for Ms.V.Srimathi
For Respondents
For R1 to R3 : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

The writ petition has been filed challenging the order passed by the third respondent dated 19.04.2013, thereby rejecting the request made by the petitioner to re-instate her to the post of sanitary worker.

2. The petitioner was appointed as sweeper in the government hospital on temporary basis. She requested the respondents to regularize her service, since she was engaged in the said work for more than 17 years. However, her service was not regularized and thereafter she was not engaged to any other service. Therefore, she made representation and it was not considered as such she constrained to approach this Court in



W.P.No.18748 of 2013

W.P.No.2239 of 2009. This Court by an order dated 01.11.2011, directed the fourth respondent to consider the petitioner's request in view of the earlier order passed by this Court in similar case in W.P.No.25092 of 2008 dated 21.10.2008. Further directed the fourth respondent to consider the claim of the petitioner as if she found qualified, she should be given priority taking note of her experience.

3. Accordingly, the petitioner submitted her representation before the fourth respondent. As directed by this Court, the third respondent conducted interview on 19.04.2013 and by the impugned order rejected the request of the petitioner on the ground that she is not able to read and write in Tamil. Aggrieved by the same, the petitioner filed this present writ petition.

4. Heard the learned counsel appearing on either side and perused the material on record.

5. The minimum educational qualification to appoint for the post of the categories in class IV must be able to read and write. Though the petitioner prayed in this writ petition to reinstate and absorb her in



W.P.No.18748 of 2013

the post of sanitary worker, she made application without enclosing any of the certificates. Therefore, she was directed to produce experience certificate, educational certificate and other certificates for verification. However, she failed to produce the same. Further the petitioner doesn't know read and write. Therefore, the third respondent rightly rejected the request of the petitioner and this Court finds no infirmity or illegality in the order passed by the third respondent.

6. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to cost.

08.08.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



W.P.No.18748 of 2013

To
WEB COPY

1. The Secretary
State of Tamilnadu
Health & Family Welfare Department,
Fort St. George,
Chennai – 9.
2. The Director of Public Health &
Preventive Medicine,
DMS Compound,
Teynampet,
Chennai – 6.
3. The Joint Director of Medical & Rural
Health Services and Family Welfare,
Government Hospital,
Krishnagiri.
4. The Chief Medical Officer,
Government Hospital,
Mathur,
Krishnagiri.



WEB COPY



W.P.No.18748 of 2013

G.K.ILANTHIRAIYAN. J.

rts

W.P.No.18748 of 2013
M.P.No.1 of 2013

08.08.2023