



W.P.No.5359 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2023

CORAM:

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

W.P.No.5359 of 2015 and
MP.Nos.1 to 3 of 2015

P.Mohanraj

... Petitioner

Vs.

1.The Commissioner,
Vellakovil Municipality,
Vellakovil

2.The Managing Director,
Regional Municipality Office,
Tirupur-1

3.The Principal Secretary,
Municipal Administration and Water Supply,
Government of Tamilnadu,
Fort St.George,
Chennai 600 009

4.P.Sathyaseelan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records in Na.Ka.No.973/2014/C1 dated 29.09.2014 and quash the same and direct the respondents to appoint the petitioner on merits.

For Petitioner : Mr.N.Kamala Kannan
for M/s.Manimekalai



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For Respondents

For R1 : Mr.Yogesh Kannadasan,
Special Government Pleader

For R4 : Mr.S.Sheik Thanveer Ahamed

For R2 & R3 : Mr.K.Rajkumar

ORDER

This writ petition has been filed challenging the order of appointment of the fourth respondent as Assistant Water Supplier.

2. The petitioner had passed his 10th standard and enrolled before the Employment Exchange at Tiruppur in the year 1997. While being so, the first respondent called for persons to appoint to the post of Assistant Water Supplier from the Employment Exchange. The Employment Exchange including the petitioner, sponsored five persons on 27.08.2014 at the request of the Regional Director of Municipal Administration, Tiruppur to fill up the post of Water Supply Assistant in Vellakovil Municipality. Five persons were present for interview on 24.09.2014. Though the petitioner possessed 10th std qualification, the fourth respondent possessed 9th std qualification and also produced



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experience certificate for the post of Assistant Water Supplier.

Considering the above, the fourth respondent was selected and appointed to the post of Assistant Water Supplier. The petitioner now challenged the appointment of the fourth respondent on the ground that the petitioner got enrolled in the District Employment Office in the year 1997, but the fourth respondent enrolled in Employment Exchange only in the year 2006. As per the seniority, the petitioner should have been selected to the post of Assistant Water Supplier. He also obtained information under RTI Act that the first respondent did not maintain any regular attendance, salary bill, work period of contract employees.

3. Heard the learned counsel appearing on either side.

4. On perusal of counter, revealed that on the request made by the first respondent, five candidates were sponsored through Employment Exchange and attended interview. The fourth respondent was selected to the post of Assistant Water Supplier on the basis of merit possessed by him. Based on the marks obtained in the interview, the



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Council based on the Selection Committee report passed resolution to appoint the fourth respondent to the post of Assistant Water Supplier on 29.09.2014. Accordingly, the fourth respondent had joined the post on 01.10.2014. Subsequently, he was also declared his probation with effect from 01.10.2015. After period of nine years, his employment cannot be disturbed. That apart, the fourth respondent produced experience certificate. It was issued by the contractor of the first respondent. Therefore, this writ petition is devoid of merits.

5. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Commissioner,
Vellakovil Municipality,
Vellakovil
- 2.The Managing Director,
Regional Municipality Office,
Tirupur-1
- 3.The Principal Secretary,
Municipal Administration and Water Supply,
Government of Tamilnadu,
Fort St.George,
Chennai 600 009
4. The Public Prosecutor,
High Court, Madras.

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