



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.18350 of 2017
and
W.M.P.No.19922 of 2017

Anandan

Vs.

.. Petitioner

- 1.The District Collector,
Collector Office,
Dharmapuri,
Dharmapuri District.
- 2.The Director,
Office of the Director,
The Town Panchayat Department,
4th Floor, Kuralagam,
Chennai – 600 108.
- 3.The Assistant Director,
Office of the Assistant Director,
The Town Panchayat Department,
Back side of Collector Office,
Dharmapuri, Dharmapuri District.
- 4.The Executive Officer,
Mr.Jalendran,
Town Panchayat Office,
Paupparapatti Post,



WEB COPY

Pennagaram,
Dharmapuri District.

5. Former Chairman,
Mr. A. Babu,
Selection Grade Town Panchayat,
Paupparapatti Post,
Pennagaram,
Dharmapuri District.

6. Former 3rd ward Counsellor
Mr. Dhanasekaran
Paupparapatti Post,
Pennagaram,
Dharmapuri District.

7. P. Saravanan,
Sanitary Worker,
Selection Grade Town Panchayat,
Paupparapatti,
Pennagaram,
Dharmapuri District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order in Na.Ka.No.320/2006/A1 dated 07.02.2007 issued by the 4th respondent in favour of the 7th respondent and to quash the same and consequently direct the 1st and 2nd respondent to take action against the 3rd to 7th respondents as per representation dated 19.01.2017 within a time frame.



For Petitioner	.. Mr.T.Karunakaran
For R1 to R6	.. Mr.S.Ravikumar, SGP
For R7	.. Mr.P.Nethaji

ORDER

This writ petition has been filed in the nature of a Certiorarified Mandamus, seeking the records relating to an order dated 07.02.2007 in Na.Ka.No.320/2006/A1 issued by the 4th respondent, the Executive Officer, Town Panchayat Office, Pennagaram, Dharmapuri District, appointing the 7th respondent, P.Saravanan as Sanitary Worker in Selection Grade Town Panchayat at Dharmapuri District and to quash the same and direct the 1st and 2nd respondent to take action against the 3rd to 7th respondents as per representation dated 19.01.2017.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner belong to SC community and that he had also registered himself with the District Employment Office in the year 1996. He had not been sponsored for appointment to any post though several posts were allotted to the SC community. Thereafter, he obtained information through RTI and came to know that the 7th respondent had been appointed



as Sanitary Worker under the BC – non priority quota. It had been stated that the 7th respondent actually belongs to Most Backward Community, but had registered himself as belonging to Backward Community and had obtained an interview letter. It was thus stated that the 7th respondent had been shown favouritism by the 4th respondent and appointed as Sanitary Worker.

3.It had also been stated that the father of the 7th respondent, Palani, worked as Office Assistant and in his service register, the entry relating to community showed that he belongs to Jogi community / MBC. It had also been stated that the mother of the 7th respondent, Lakshmi was working as a Sanitary Worker in Palacode Town Panchayat Office, Palacode, Dharmapuri District and even in her service register, the entry showed that she belongs to Jogi community, which according to the petitioner is Most Backward Community. It is therefore stated that the 7th respondent, had surreptitiously got appointment under BC-non priority quota though according to the petitioner, he belonged to the Jogi community / MBC.



4. In the counter affidavit of the 7th respondent, it had been stated that in the service records of his parents, the community is mentioned as Jogi (Hindu). It is also stated that the 7th respondent does not have a community certificate and the fault was placed on the school authorities in mentioning his community as Panniandi. It had been stated that he had taken steps to get a community certificate mentioning Jogi, but since the community as shown in the school records was given as Panniandi, the authorities had refused to give him community certificate classifying him as belonging Jogi community.

5. The learned Special Government Pleader produced necessary records with respect to the participation of interview and stated that the petitioner had not participated in the interview for the post of Sanitary Worker. The learned Special Government Pleader, therefore very seriously assailed the locus of the petitioner to even question the appointment of the 7th respondent. It was stated that, if the petitioner's appointment had been rejected, then the petitioner would have a reasonable ground to maintain the writ petition. It was stated that the list of candidates had been forwarded by the Employment Exchange. The list of those who had attended the interview had also been produced by the learned Special Government Pleader and it is



stated that the 7th respondent had participated in the interview and was thereafter selected.

6.The learned counsel for the 7th respondent also stated that owing to a genuine mistake by the school authorities, he was not able to get a community certificate as Jogi (Hindu). It was also stated that the Jogi community is only a Backward community and not Most Backward community.

7.I have carefully considered the arguments advanced.

8.With respect to the locus of the petitioner, though the name of the petitioner had not been sponsored by the Employment Exchange, since it is seen that the petitioner had actually registered himself in the District Employment Office in the year 1996 and had been waiting and waiting for over a period of nearly 20 years for his name to be sponsored for some post, I hold that it is only appropriate that since his name had never been sponsored though he belonged to SC community that the petitioner had acquired a right to know why he had been rejected by the Employment Exchange from being even sponsored for any employment. The petitioner gathered information under the RTI. This information divulged the fact that the 7th respondent had been sponsored by the Employment Exchange and



appointed to a post for BC-non priority quota, though he actually belonged to Most Backward Community.

9.The learned counsel for the 7th respondent stated that the petitioner herein had actually given an earlier complaint and that was rejected by the 4th respondent by an order dated 25.11.2016. But since it was the 4th respondent who was the appointing authority of the 7th respondent, it was only natural, that he justified the appointment of the 7th respondent and rejected the earlier complaint of the petitioner. I would not grant any credence to such rejection.

10.I therefore hold that the claim of the petitioner will necessarily have to be examined. It is not that the petitioner claims appointment of himself in the place of 7th respondent. The petitioner questions the appointment of the 7th respondent.

11.It would therefore only be appropriate that necessary enquiry is conducted by taking all these factors into consideration. The 1st respondent, the District Collector Dharmapuri District, is directed to examine the records relating to the appointment of the 7th respondent as Sanitary Worker in Selection Grade Town Panchayat, Paupparapatti Post, Pennagaram, Dharmapuri District and also the entire selection process of the 7th



respondent. Principles of natural justice must be followed by the District Collector by giving opportunities to all concerned including the petitioner, the officials of the Employment Exchange, and the 4th and 7th respondents. The entire process must be completed within a period of sixteen weeks from the date of receipt of a copy of this order.

12.The 7th respondent may produce necessary records to justify that the Jogi community is also classified as Backward community. The District Collector, Dharmapuri, shall make complete a comprehensive enquiry on all surrounding aspects.

13.With the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

20.09.2023

smv
Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No
Speaking order:Yes/No



To

WEB COPY

1. The District Collector,
Collector Office,
Dharmapuri,
Dharmapuri District.
2. The Director,
Office of the Director,
The Town Panchayat Department,
4th Floor, Kuralagam,
Chennai – 600 108.
3. The Assistant Director,
Office of the Assistant Director,
The Town Panchayat Department,
Back side of Collector Office,
Dharmapuri, Dharmapuri District.
4. The Executive Officer,
Mr. Jalendran,
Town Panchayat Office,
Paupparapatti Post,
Pennagaram,
Dharmapuri District.
5. Former Chairman,
Mr. A. Babu,
Selection Grade Town Panchayat,
Paupparapatti Post,
Pennagaram,
Dharmapuri District.



WEB COPY



10

C.V.KARTHIKEYAN,J.

smv

6.Former 3rd ward Counsellor
Mr.Dhanasekaran
Paupparapatti Post,
Pennagaram,
Dharmapuri District.

7.P.Saravanan,
Sanitary Worker,
Selection Grade Town Panchayat,
Paupparapatti,
Pennagaram,
Dharmapuri District.

W.P.No.18350 of 2017

20.09.2023