



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.12.2023

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THE HONOURABLE MR.JUSTICE V.BHAVANI SUBBAROYAN

WP No.35852 of 2019
and WMP Nos.36756 of 2019 and 2781 of 2020

K.Vinayagamurthy

..Petitioner

Vs.

The Executive Officer,
Vilappakkam Town Panchayat,
Ranipet District

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Mandamus directing the respondent to fill up the two posts of Sanitary Workers in the Vilappakkam Town Panchayat after due publicity, advertisement and tom tom and by considering the petitioner herein under the preferential category of land losers.

For Petitioner : Mr.V.Vijayashankar
For Respondent : Mr.V.Jayaprakash Narayanan



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ORDER

This writ petition has been filed seeking for a direction to the respondent to fill up the two posts of Sanitary Workers in the Vilappakkam Town Panchayat after due publicity, advertisement and tom tom and by considering the petitioner herein under the preferential category of land loser.

2. The petitioner is a resident of Vilappakkam Village. Pursuant to the request made by the respondent, the petitioner's family executed a gift deed in favour of the Vilappakkam Town Panchayat of 3 cents of land. The gift deed was made to seek for preferential employment under the respondent Town panchayat. During the year 2019, the petitioner came to understand that the respondent Town Panchayat was taking steps to fill up two post of sanitary workers and he applied for the same. The respondent without informing the candidates, had selected two candidates for appointment. Since the petitioner come under the category of land loser, he is eligible to be considered under preferential category. Aggrieved by the above said selection, the present writ petition has been



3. The learned counsel for the petitioner submitted that since the petitioner's family had gifted the land and that the petitioner come under the category of land losers, he is entitled to be considered for appointment under preferential category. The learned counsel further submitted that he is being deprived for public employment by the respondent. The learned counsel for the petitioner further submitted that as per GO Ms.188 dated 28.12.1976, the petitioner is eligible to be considered for appointment to the post of Sanitary worker under he category of land loser.

4. The learned counsel for the respondent submitted that the respondent land was not taken by the Panchayat forcibly and it was gifted by the petitioner's family voluntarily. The learned counsel for the respondent submitted that in view of stay granted by this Court on 30.12.2019, the interview process could not be proceeded further and the entire process of appointment was stalled.



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5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing on behalf of the respondent.

6. In view of the above discussion, the respondent is directed to call for fresh applications from the eligible candidates for the post of sanitary workers through advertisement and fill up the same in accordance with rules and that the respondent shall consider the case of the petitioner under the category of land loser, if he is otherwise entitled to. It is left open to the petitioner to apply for the said post. This writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

15.12.2023

Index:Yes/No
Internet :Yes /No
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V.BHAVANI SUBBAROYAN.,J

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To
The Executive Officer,
Vilappakkam Town Panchayat,
Ranipet District

WP.No.35852 of 2019

15.12.2023