



W.P(MD)No.16388 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16388 of 2020

and

W.M.P.(MD)No.13707 of 2020

A.Mariyasingam

... Petitioner

Vs.

1.The Principal Secretary to Government,
Municipal Administration Department,
Chennai – 09.

2.The Director,
Directorate of Municipal Administration,
Chennai – 5.

3.The Divisional Director,
Municipal Administration,
Manakavalan Pillai Nagar,
Rampopular, Samathanapuram,
Tiruenlveli.

4.The Commissioner,
Vickramasingapuram Municipality,
Vickramasingapuram,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4th respondent in



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Na.Ka.No.6406/2019/C1 dated 27-10-2020 and quash the same as illegal and unreasonable and may consequently direct the 1st respondent to relax the educational qualification for the appointment of the petitioner to the post of sanitary supervisor under the 4th respondent in the existing vacancy of Vickramsingampuram Municipality, Ambai Taluk, Tirunelveli District.

For Petitioner : Mr.K.P.Narayanakumar,
For Ms.C.K.Chitradevi.

For Respondents : Mr.T.Villavankothai,
Addl. Government Pleader for R1 to R3.
Mr.H.Arumugam,
Standing Counsel for R4.

ORDER

Heard the learned counsel on either side.

2.The case on hand pertains to the post of Sanitary Supervisor. The petitioner is working as Sanitary Worker. As per Tamil Nadu Municipal Public Establishment Regulations, 1976, the post of Sanitary Supervisor is to be filled up by promotion from among Sanitary Workers and Watchman. Only if no qualified and not suitable persons are available for promotion, then appointment can be made by transfer or by recruitment. The qualification for the post is pass in III Form or VIII standard of a recognized school. The



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petitioner is not having the said qualification. He, therefore, seeks relaxation of the aforesaid requirement. A person as a matter of right demand relaxation of essential educational qualification. The impugned order passed by the Commissioner of the local body is to the effect that since no relaxation has come from the Government, he cannot accept the petitioner's request. The impugned order does not call for interference. The impugned order is sustained. However, it is open to the petitioner herein to move the first respondent for relaxation. If any such representation is received from the petitioner, it is for the first respondent to consider the same by taking note of all the relevant aspects.

3. With this liberty to the petitioner to move the first respondent, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

16.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1. The Principal Secretary to Government,
Municipal Administration Department,
Chennai – 09.



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G.R.SWAMINATHAN, J.

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