



W.P.(MD)No.16566 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16566 of 2020

and

W.M.P(MD)No.13849 of 2020

Manikandan

... Petitioner

Vs

- 1.The Director of Town Panchayats,
Office of the Director of Town Panchayats,
7th & 8th Floors, Town Administrative Office,
Chennai – 600 028.
- 2.The District Collector,
Collectorate,
Theni,
Theni District.
- 3.The Assistant Director of the
Regional Town Panchayat,
Regional Office,
Poothipuram Road,
Theni.
- 4.The Executive Officer,
Markayankottai Town Panchayat Office,
Uthamapalayam Taluk,
Theni District.



W.P.(MD)No.16566 of 2020

5.Ramraj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of impugned order in Na.Ka.No.46/2020 dated 18.03.2020 passed by the fourth respondent and quash the same as illegal.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.3

Mr.B.Chakkaravarthi
for Mr.D.Muruganandhan for R.4

Mr.Ganapathyraman for R.5

ORDER

Heard the learned counsel on either side.

2.The writ petitioner joined the fourth respondent local body as Sweeper in the year 1998. The petitioner was originally appointed on consolidated basis. Following the completion of three years of service he was regularised. The petitioner passed SSLC in July 2015. Since he did not have the requisite



W.P.(MD)No.16566 of 2020

qualification, his name was not included in the seniority panel prepared for the post of Bill-Collector on 01.01.2015. The grievance of the petitioner is that his name should have been included.

3.As rightly pointed out by the learned Special Government Pleader, the benefit of passing SSLC will accrue to the petitioner and that is why his name was rightly included at the appropriate place and rank when seniority panel was prepared afresh in the year 2022. The petitioner appears to be labouring under the impression that his rights have been infringed on account of non-inclusion in 2015 seniority panel. The petitioner need not have any such apprehension. This is because vacancies in the post of Bill-Collector have not been filled up so far. The petitioner has been included in the seniority panel prepared on 01.01.2021. He has also been placed above the fifth respondent. Therefore the contention of the petitioner is that the fifth respondent is obstructing his chance is without any merit. The petitioner is figuring at Serial No.55 and the fifth respondent is figuring at Serial No.232. As and when the process of filling up the vacancies in the post of Bill-collector is taken up, the petitioner would definitely be considered as per his seniority and ranking which is far above the fifth respondent.



W.P.(MD)No.16566 of 2020

4.Recording the subsequent developments, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10.04.2023

Index : Yes / No
Internet : Yes/ No
NCC : Yes / No
MGA

To

- 1.The Director of Town Panchayats,
Office of the Director of Town Panchayats,
7th & 8th Floors, Town Administrative Office,
Chennai – 600 028.
- 2.The District Collector,
Collectorate,
Theni,
Theni District.
- 3.The Assistant Director of the
Regional Town Panchayat,
Regional Office,
Poothipuram Road,
Theni.
- 4.The Executive Officer,
Markayankottai Town Panchayat Office,
Uthamapalayam Taluk,
Theni District.



WEB COPY



W.P.(MD)No.16566 of 2020

G.R.SWAMINATHAN, J.

MGA

W.P.(MD)No.16566 of 2020
and
W.M.P(MD)No.13849 of 2020

10.04.2023