



W.P.(MD)No.26684 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.26684 of 2022

V.Balasubramanian

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep.by its Principal Secretary,
Municipal Administration and Water Supply Department,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The District Collector,
Thoothukudi District,
Thoothukudi.
- 3.The Assistant Director (Town Panchayat),
Tirunelveli Region, Tirunelveli.
- 4.Thiruchendur Town Panchayat,
Now upgraded as Thiruchendur Municipality,
Rep.by its Commissioner,
Thiruchendur, Thoothukudi District.
- 5.The Director of Municipal Administration,
Commissionerate of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road,



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6.The Regional Director of Municipal Administration,
Tirunelveli Region,
Near Palay Bus Stand,
Tirunelveli.

7.K.Velmurugan

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 6 to appoint the petitioner as Office Assistant in the 4th respondent as per the resolution of the appointment committee of the 4th respondent dated 09.02.2021, within a time frame fixed by this Court.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.S.P.Maharajan

Special Government Pleader
for RR 1 to 3, 5 and 6

Mr.J.Lakshmi Prasanna for R4

No-appearance for R7

ORDER

This writ petition has been filed for a direction to the the respondents 1 to 6 to appoint the petitioner as Office Assistant in the 4th respondent Panchayat, as per the resolution of the appointment committee of the 4th respondent dated 09.02.2021, within a time frame



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fixed by this Court.

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2. The case of the petitioner is that the petitioner has completed M.Sc. (Zoology), B.Ed., and M.Phil and he was affected by Polio and his left leg was completely paralyzed. He has registered his qualification in the District Employment Exchange, Thoothukudi. While so, the third respondent herein issued a Notification dated 05.08.2020 calling for application to the post of Office Assistant in General Turn (Priority-Disabled Persons) category in the fourth respondent Town Panchayat. The petitioner has applied for the same and he participated in the selection process. The seventh respondent has also participated in the selection process and he was not selected. Though the Appointment Committee has decided to appoint the petitioner as Office Assistant, the seventh respondent, who is working as Scavenger in the fourth respondent, has requested the officials to appoint him as Office Assistant by transfer and he has filed a writ petition in W.P(MD).No.13466 of 2020 before this Court. On 07.10.2020, this Court by way of an interim order directed the officials to consider his request to appoint him by transfer in



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the post of Office Assistant. Citing the above direction, the 4th respondent is refusing to issue the appointment order to the petitioner. Hence, he made several representations including the representation dated 28.01.2021. But, till date no order was passed. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that since the writ petition filed by the seventh respondent in W.P(MD).No.13466 of 2020 has been withdrawn by him, there is no legal impediment for the fourth respondent to consider the representation of the petitioner dated 20.08.2021. Hence, this Court may issue a direction to the fourth respondent to consider the representation of the petitioner dated 20.08.2021 and pass appropriate orders, on merits and in accordance with law, within a specified period.

4. The learned Special Government Pleader appearing for the respondents 1 to 3, 5 and 6 and the learned counsel appearing for the respondent No.4 have no serious objection for such an order being



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passed by this Court.

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5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the fourth respondent to consider the petitioner's representation, dated 20.08.2021 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

23.01.2023

ssb

To

1.The Government of Tamil Nadu,
Rep.by its Principal Secretary,
Municipal Administration and Water Supply Department,
Fort St.George, Secretariat,
Chennai-600 009.

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- 2.The District Collector,
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Thoothukudi.
- 3.The Assistant Director (Town Panchayat),
Tirunelveli Region, Tirunelveli.
- 4.Thiruchendur Town Panchayat,
Now upgraded as Thiruchendur Municipality,
Rep.by its Commissioner,
Thiruchendur, Thoothukudi District.
- 5.The Director of Municipal Administration,
Commissionerate of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai-600 028.
- 6.The Regional Director of Municipal Administration,
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M.DHANDAPANI,J.

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