



W.P.No.10157 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.10157 of 2020

and

W.M.P.No.12355 of 2020

P.Mayavan

...Petitioner

-Vs-

- 1.The District Collector,
District Collectorate,
Kallakurichi.
- 2.The Assistant Director of Town Panchayat,
Cuddalore Zone,
O/o.The Assistant Director of Town Panchayat,
Near Manjakuppam Stadium,
Beach Road, Cuddalore.
- 3.The Executive Officer,
Chinnasalem Special Grade Town Panchayat Office,
Chinnasalem Post & Taluk,
Kallakurichi District – 606 201.
- 4.The Assistant Director,
District Employment Office,
Collector Office Campus,
Villupuram Post and Taluk,
Villupuram District.

5.R.Mageswaran

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records of the third respondent issued in Na.Ka.No.743/2019/A1 dated 17.06.2020 and quash the same and consequently direct respondents 1 to 4 to appoint the petitioner to the post of sanitation worker based on the seniority in the Special Grade Town Panchayat, Chinnasalem, Kallakurichi District within the time stipulated by this Court and pass such further orders.

For Petitioner : M/s.U.Ramya
for Mr.R.Bharath Kumar

For R1 to R4 : Mr.S.Rajesh
Government Advocate

ORDER

This writ petition has been filed to quash the impugned order passed by the third respondent in Na.Ka.No.743/2019/A1 dated 17.06.2020 and a consequential direction to respondents 1 to 4 to appoint the petitioner to the post of sanitation worker based on the seniority in the Special Grade Town Panchayat, Chinnasalem, Kallakurichi District.

2. Learned counsel appearing for the petitioner would submit that the petitioner registered himself with the District Employment Office,



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Villupuram on 12.03.2009. In pursuance of the said registration and based on the seniority, the 3rd Respondent, vide letter dated 20.12.2019 in Na.Ka.No.743/2019/A1 called for an interview on 06.01.2020 for the post of sanitation worker under the category of 'Schedule Caste General Non Priority'. The petitioner attended the interview on 06.01.2020 with all the necessary certificates. After the process of interview, the 2nd and 3rd Respondents had orally informed him that based on the seniority, he is the one eligible to be appointed for the post of sanitation worker and assured him that they would appoint him to the said post.

3. It is pertinent to note that even though Respondents 2 & 3 assured, the petitioner is the one eligible to be appointed for the said post based on the seniority. In other words, the petitioner placed under seniority in the District Employment Office and the 5th respondent is not eligible for the said post as he did not register himself for the post of sanitation worker.

4. However, the petitioner neither got any response from Respondents 2 & 3 nor appointed him to the said post. Hence, the petitioner approached the 2nd and 3rd Respondents in person and enquired about the



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appointment. While being so, the petitioner came to know that the 3rd Respondent was going to illegally appoint the 5th respondent in the post of sanitation worker. It is pertinent to note that the 5th Respondent is junior to the petitioner, who registered himself with the District Employment Office three years after the date of petitioner's registration. Therefore, the 5th Respondent is not eligible for appointment to the said post and he is eligible only after him.

5. Thereafter, the petitioner had made a representation dated 26.06.2020 to the 2nd and 3rd Respondents requesting them to appoint the petitioner to the post of sanitation worker based on the seniority. Neither the 2nd nor the 3rd Respondents appointed the petitioner to the said post and there has been no reply to the representation till date. However, the 3rd Respondent issued the impugned order dated 17.06.2020 appointing the 5th respondent to the said post without assigning any reasons for not appointing the petitioner. Aggrieved by the same, the present writ petition is filed.

6. A counter affidavit was filed on behalf of the fourth respondent dated 21.07.2023.



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7. Pursuant to the order passed by this Court on 15.11.2024, the learned Government Advocate appearing for respondents 1 to 4 produced the original records of the interview team report containing the details of the marks secured by the petitioner as well as the fifth respondent.

8. Learned Government Advocate contended that the petitioner secured only 19 marks out of 30 marks. Whereas the fifth respondent secured 25 marks out of 30 marks.

9. Heard both sides and perused the materials available on record.

10. In the case on hand, though the petitioner registered in the District Employment Exchange on 12.03.2009, his case was not considered since he secured only 19 marks less than the marks secured by the fifth respondent, who has secured 25 marks.

11. Taking into consideration that at the time of filing of the writ petition, the age of the petitioner was 37 years and as on date, 41 years. Hence the petitioner will not be eligible for appointment to the post of



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Sanitary Worker in the future recruitment.

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12. In view of the above facts and circumstances of the case, this Court is inclined to issue the following directions:

- a) The petitioner is directed to give a representation to the third respondent within a period of two weeks from the date of receipt of a copy of this order.**
- b) On receipt of the same, the third respondent shall consider it on merits, in accordance with law and pass appropriate orders within a period of eight weeks thereof.**
- c) The third respondent shall also take into consideration the age of the petitioner while considering his representation.**

In the result, **the writ petition stands disposed of with the above observations and directions.** No costs. Consequently, connected miscellaneous petition is closed.

10.12.2024

cda

Index : Yes / No

Speaking/Non Speaking order

Neutral Citation : Yes/No



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To

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J.SATHYA NARAYANA PRASAD, J.

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