



WEB COPY

W.P.No.175



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.17558 of 2018

and

W.M.P.No.20827 of 2018

V.R.Sekar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George,
Chennai – 600 009.
2. The Director of Town Panchayat,
Kuralagam, Chennai – 600 018.
3. The Executive Officer,
Kilkundha Town Panchayat,
The Nilgris District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to appoint the petitioner as Work Inspector in the light of the Government Order issued by the 1st Respondent in G.O(Ms)No.54, Municipal Administration and Water Supply (Peru.1)Department, dated 23.5.2017 with all service and monetary benefits within the time limit that may be stipulated by this Honourable court

For Petitioners : M/s.G.Thalaimutharasu

For R1 & R2 : Mr.S.Premkumar,



Government Advocate

ORDER

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This Writ Petition has been filed seeking a writ of mandamus directing the Respondent No.2 to appoint the petitioner as 'Work Inspector' in terms of G.O (Ms) No.54, Municipal Administration and Water Supply (Peru.1) Department, dated 23.05.2017 with all service and monetary benefits.

2. It is the case of the petitioner that in terms of various orders passed by this Court, particularly in W.P.No.5203 of 2016 dated 03.03.2016 and the common order passed in W.P.Nos.13522 to 13525 of 2016 dated 12.04.2016, the case of the petitioner were considered for being appointed to the post of 'Work Inspector' and the Government issued G.O (Ms) No.54, Municipal Administration and Water Supply (Peru.1) Department, dated 23.05.2017, directing the Respondent No.2 herein to appoint the petitioner as 'Work Inspector', but the Respondent No.2 issued orders in proceedings bearing ந.க.எண்.21950/2008/அ6 dated 06.06.2018 appointing only 23 out of 32 candidates covered under G.O (Ms) No.54, Municipal Administration and Water Supply (Peru.1) Department, dated 23.05.2017 and the remaining candidates were excluded on the ground that they do not possess the requisite qualification for the post of 'Work Inspector'. Hence, the petitioner herein approached this Court seeking a writ of mandamus to direct the Respondent No.2 to appoint the petitioner as 'Work



Inspector' in terms of G.O (Ms) No.54, Municipal Administration and Water Supply (Peru.1) Department, dated 23.05.2017.

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3. In response to the notice issued by this Court, the Respondent No.2 filed counter-affidavit stating that the qualification certificate produced by the petitioner viz., Diploma in Civil Engineering purported to have been issued by the Meghalaya University is found to be not a valid certificate for want of proper recognition for the Meghalaya University to impart education in Diploma in Civil Engineering and to issue such certificate. As the petitioner has not submitted any such material to show that the said certificate produced by the petitioner is a valid certificate issued by an appropriate authority of the said Meghalaya University, the case of the petitioner was not considered for being appointed to the post of 'Work Inspector' and thus, it is contended that the respondents are justified in not appointing the petitioner as 'Work Inspector'.

4. Though learned counsel for the petitioner placed certain material before this Court to show that the said certificate issued by the Meghalaya University certifying that the petitioner is qualified in Diploma in Civil Engineering, this Court is not satisfied with the said material and it is for the petitioner to satisfy that the said



certificate, basing upon which the petitioner is claiming to be qualified for being appointed to the post of 'Work Inspector' was issued with legal authority under law.

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5. In the absence of any such material, this Court cannot direct the respondents to straight-away appoint the petitioner as 'Work Inspector'. No doubt the Government issued G.O (Ms) No.54, Municipal Administration and Water Supply (Peru.1) Department, dated 23.05.2017, directing the Respondent No.2 to appoint the petitioner as 'Work Inspector', but that does not mean that the Respondent No.2 is obliged to issue appointment order. It is only because the petitioner has failed to satisfy that he possess requisite qualification to hold the post of 'Work Inspector', the petitioner was not appointed. Therefore, unless the petitioner satisfies the Respondent No.2 that he possess the requisite qualification, the Respondent No.2 cannot be compelled to appoint the petitioner as 'Work Inspector'. Hence, no writ of mandamus can be issued based on the material placed before this Court.

6. However, in case if the petitioner is able to satisfy the Respondent No.2 about he possessing the requisite qualification to hold the post of 'Work Inspector', he is at liberty to submit all such materials before the Respondent No.2. In case, if any such material is placed, the Respondent No.2 shall consider the same and if it is found that the petitioner is qualified and eligible for being appointed to the post of 'Work



Inspector', the Respondent No.2 shall issue appropriate appointment order in terms of G.O (Ms) No.54, Municipal Administration and Water Supply (Peru.1) Department, dated 23.05.2017. In case if any such representation is submitted by the petitioner, the same shall be considered by the Respondent No.2 and appropriate orders will be passed thereon within a period of two months from the date of submission of such representation.

7. Accordingly, the Writ Petition is disposed of. No costs. Connected Miscellaneous Petitions, if any shall stand closed.

05.07.2024

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Principal Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George,
Chennai – 600 009.
2. The Director of Town Panchayat,
Kuralagam, Chennai – 600 018.



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3. The Executive Officer,
Kilkundha Town Panchayat,
The Nilgris District.



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MUMMINENI SUDHEER KUMAR, J.

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