



WEB COPY



W.P.No.18193 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18193 of 2024

and

W.M.P.Nos.19979 & 19981 of 2024

N.Gobi

.... Petitioner

Vs

1. The Principal Secretary,
Municipal Administration and
Water Supply Department,
Secretariat,
St.George Fort,
Chennai – 600 009.

2. The Director of Municipal Administration,
78, Raja Annamalaipuram,
Santhom High Road,
Chennai – 28.

3. Regional Director of Municipal Administration,
J.G.Nagar,
First Street, Kumarananthapuram,
Tirupur – 2.

4. The Commissioner,
Koodalur Municipality,
Koodalur, Nilgiris District.

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India



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praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 14.08.2019 of the fourth respondent and quash the same as illegal and violation of natural justice and consequently directing the fourth respondent to reinstate the petitioner into service for the post of Sweeper in Koodalur Municipality, Koodalur, Nilgiris District based on the petitioner's representation dated 15.02.2021 and 18.06.2024.

For Petitioner : Mr.A.R.Suresh
For Respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 14.08.2019 passed by the fourth respondent, thereby cancelled the appointment of the petitioner to the post of Sanitary Worker.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. As per the notification dated 19.06.2019, the fourth respondent invited the applications for the post of Sweeper in Koodalur Municipality. The petitioner was called for through employment exchange and was selected for interview to the post of Sweeper. The



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petitioner was appointed, by an order dated 15.07.2019, to the post of Sweeper. As a condition stipulated, the petitioner produced fitness certificate and community certificate. The petitioner was appointed under the category of Backward Community. Though the petitioner applied for community certificate, his application was kept pending on the file of the Tahsildar, Koodalur, since at the time of inclusion of the community into the Backward Classes under the question. Therefore, the petitioner could not produce the community certificate within the time fixed by the fourth respondent. Therefore, the fourth respondent cancelled the appointment order of the petitioner for non-production of community certificate within the stipulated time.

4. By G.O.Ms.No.55, dated 15.07.2020, the petitioner's caste was ordered to be included in the Backward Class. Accordingly, the community of the petitioner was included and the petitioner was issued community certificate on 09.10.2020. Immediately, the petitioner submitted a representation to the third respondent and annexed the certificate and the same was forwarded to the fourth respondent by the third respondent through the communication dated 10.12.2021. Even



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then, the request made by the petitioner was not considered and it is pending on the file of the fourth respondent.

5. In view of the above, the impugned order dated 14.08.2019 passed by the fourth respondent cannot be sustained and it is liable to be quashed. Accordingly, the impugned order dated 14.08.2019 is hereby quashed. The fourth respondent is directed to consider the case of the petitioner and appoint him in the post of Sweeper forthwith.

6. With the above direction, this writ petition stands allowed. Consequently, connected miscellaneous petitions are closed.
No costs.

09.07.2024

Internet: Yes/no
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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To

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G.K.ILANTHIRAIYAN. J.

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