



W.P.No.20279 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.20279 of 2021

N.Gopi

... Petitioner

Vs.

The Commissioner,
Gudular Municipality,
Gudalur, The Nilgiris District.

...

Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to consider re-appointing the petitioner to the post of Sanitary Worker in Gudular Municipality by reconsidering the cancellation of appointment in the light of the community certificate dated 17.08.2020 produced by the petitioner and grant him all consequential benefits.

For Petitioner : Mr.P.Mohanraj

For Respondent : Mr.Yogesh Kannadasan, SGP

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondent to consider re-appointing the



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petitioner to the post of Sanitary Worker in Gudular Municipality by reconsidering the cancellation of appointment in the light of the community certificate dated 17.08.2020 produced by the petitioner and grant him all consequential benefits.

2. Heard Mr.P.Mohanraj, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondent.

3. The petitioner has applied for the post of Sanitary Worker and he was selected for the post. But in the appointment order dated 15.07.2019, he was asked to furnish the community certificate in order to show that he belonged to backward class community. Since the petitioner has been selected under the said category, he was asked to furnish the certificate. Since the petitioner did not file the required certificate, his appointment was cancelled on 14.08.2019.

4. The learned counsel for the petitioner submitted that the petitioner belonged to 'Thiyya' community which is one of the backward



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class communities in the OBC list. But, the said community has not been included in the list of backward communities recognised by the Government of Tamil Nadu. Later on 15.07.2020 a Government Order has been passed in G.O.Ms.No.55, Backward Classes, Most Backward Classes, Minorities Welfare (BCC) Department, dated 15.07.2020, including the above community also in the list of backward class communities. Subsequently, the petitioner got the community certificate on 17.08.2020 in pursuant to the above said Government Order. Thereafter, he gave a representation along with the community certificate to the respondents. The same was not considered. Hence the petitioner has filed this petition with the above prayer.

5. The learned Special Government Pleader for the respondent submitted that as on the date of appointment, the petitioner did not possess the certificate to show that he belongs to the backward community. In fact the petitioner's community 'Thiyya' is not recognised as one of the communities in the backward community list in the State of Tamil Nadu.



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6. Obviously the petitioner could not have got any community certificate in the year 2019. Because G.O.Ms.No.55 itself was issued in the year 2020. However the community certificate so obtained by the petitioner can be utilised by him only for future employment. He cannot expect the respondent to consider his community certificate which is obtained subsequent to his appointment for the post for which he was selected in the year 2019. It is obviously because in the year 2019, the community which the petitioner belongs was not recognised and not listed in the list of backward class communities. So it is not possible for the respondent to consider the representation of the petitioner. However it is upto the petitioner to apply for any future appointments, if he happens to get any chance.

7. With the above observations, this Writ Petition is disposed and it is upto the petitioner to apply for any future appointments, if he happens to get any chance. No costs.

02.01.2024

Index : Yes
Internet : Yes/No
Speaking / Non-speaking
gsk



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WEB COPY

To

The Commissioner,
Gudular Municipality,
Gudalur, The Nilgiris District.



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R.N.MANJULA, J.

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