



W.P.No.19312 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.19312 of 2020 and
W.M.P.No.23906 of 2020

K.Saravanan

... Petitioner

Vs.

1.The Director of Town Panchayat,
8th Floor, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai 600 028.

2.The Executive Officer,
Ethappoor First Grade Town Panchayat,
Salem District.

3.The Director of Government Examination,
DPI Compound, College Road,
Chennai - 6.

... Respondents

(the third respondent has been *suo motu* impleaded
by this Court on 11.01.2024 in W.P.No.19312 of 2020)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 particularly the second respondent to consider the petitioner for promotion to the post of Sanitary Supervisor from the date on which the said post was arisen (on 23.10.2019) with all attendant benefits.

For Petitioner : Mr.P.I.Thirumoorthy

For Respondents : No appearance for R1

Mr.P.S.Jayakumar for R2



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ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents 1 and 2 particularly the second respondent to consider the petitioner for promotion to the post of Sanitary Supervisor from the date on which the said post was arisen (on 23.10.2019) with all attendant benefits.

2. Heard Mr.P.I.Thirumoorthy, learned counsel for the petitioner and Mr.P.S.Jayakumar, learned counsel for the second respondent.

3. The petitioner who has been working as Sanitary Worker in the second respondent has filed this Writ Petition claiming that he is the only available and eligible person who stands first in the list of seniority to be promoted to the post of Sanitary Supervisor. But he has not been promoted so far. Therefore, he is before this Court.

4. The fact that the petitioner was working as a regular Sanitary Worker is not denied by the second respondent. The only contention of the second respondent is that for promotion from the post of Sanitary Worker to the post of Sanitary Supervisor, the required educational



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qualification is 8th STD pass. It is submitted by the learned counsel for the respondents that the petitioner at the time of appointment has produced a certificate from the Government School by stating that he studied only upto 6th STD. But all of a sudden, he has produced a certificate with 8th pass from a Private School. Since the documents produced by the petitioner is contradictory to each other, a report has been called for from the Director of Government Examination, Chennai, in order to verify the genuineness of the petitioner's certificate. But so far, no report from the Director of Government Examination has been received by the second respondent.

5. The Director of Government Examination is not a party to the proceedings. Since the main issue can be resolved only if the Director of Government Examination sends a report as to the genuineness of the certificate produced by the petitioner, I feel the Director of Government Examination should be impleaded *suo motu* as the third respondent and suitable direction can be issued to the third respondent.



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6. Accordingly, The Director of Government Examination, DPI

Compound, College Road, Chennai - 6, is *suo motu* impleaded as a third respondent in the Writ Petition.

7. In the result, this Writ Petition is disposed by directing the third respondent to send a report as to the genuineness of the certificate produced by the petitioner and forwarded by the second respondent within a period of three weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall pass orders on the representation of the petitioner seeking promotion to the post of Sanitary Supervisor within a period of four weeks thereafter by considering the merits of the submission of the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

11.01.2024

Index : Yes /No

Internet : Yes/No

Speaking / Non-speaking

Neutral Citation : Yes / No

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To

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R.N.MANJULA, J.

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