



W.P.(MD).No.15547 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.15547 of 2023

and

W.M.P.(MD)No.20096 of 2023

V.Balasubramanian

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George, Secretariat,
Chennai-600 009.
- 2.The Director of Municipal Administration,
Commissionerate of Municipal
Administration,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai-600 028.
- 3.The Regional Director of Municipal
Administration,
Tirunelveli Region,
Near Palay Bus Stand,
Tirunelveli.



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4. Thiruchendur Municipality,
Rep. by its Commissioner,
Thiruchendur,
Thoothukudi District.

5. The Assistant Director
(Town Panchayats),
Tirunelveli Region,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 4th respondent in Na.Ka.No.507/2023/C1 dated 05.05.2023, quash the same and direct the respondents to appoint the petitioner as Office Assistant in the 4th respondent as per the resolution of the appointment committee dated 09.02.2021, within a time frame fixed by this Court.

For Petitioner : Mr.M.Saravanan

For R-1 to R-3 & R-5 : Mr.C.Baskaran,
Government Advocate

For R-4 : Mr.H.Arumugam,
Standing Counsel

ORDER

The present writ petition has been filed seeking to quash the impugned order dated 05.05.2023, passed by the 4th respondent and consequently, direct



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the respondents to appoint the petitioner as Office Assistant in the 4th respondent as per the resolution of the appointment committee dated 09.02.2021.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The Assistant Director (Town Panchayats), Tirunelveli Region, 5th respondent issued a notification dated 05.08.2020 calling for application for the post of Office Assistant in General Turn (Priority - Disabled Persons) category in the Thiruchendur Town Panchayat, which is now upgraded as Municipality. Since the petitioner is fully qualified for the said post, he made an application to the said post. On receipt of the application, the appointment committee invited him to participate in the selection process held on 25.09.2020. Following which, by a resolution dated 09.02.2021, the appointment committee has decided to appoint the petitioner as Office Assistant in the 4th respondent Municipality. Though the petitioner was selected for the post of Office Assistant, the 4th respondent did not issue any appointment order. Hence, the petitioner sought for an information under RTI Act seeking details of the



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selection process for the post of Office Assistant in general turn. For which, the 4th respondent Municipality duly replied that the petitioner has been selected. The petitioner sent several representations including the representation dated 28.01.2021 to appoint the petitioner as Office Assistant. However, the same was not acted upon, he was constrained to file W.P.(MD)No.26684 of 2022. Further, the petitioner sent a representation to the respondents on 23.01.2023. For which, the 4th respondent stated that all the three posts of Office Assistants in the 4th respondent Municipality has been filled up and hence they sought for clarification from the 2nd respondent. In the meanwhile, even before the recruitment process was fully completed, now the 2nd respondent has transferred two persons namely Muthukumar and Sheik Muhammed to the 4th respondent Municipality from Rajapalayam and Aurppukottai respectively. Assailing the same, the present writ petition came to be filed.

3. The learned Government Advocate has not filed any counter and has not given any satisfactory reason for exercising such a transfer before the completion of the selection process initiated by the 4th respondent Municipality by its notification dated 05.08.2020.



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4. Heard, the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Carefully perused the materials available on record.

5. Considering the facts and circumstances of this case and considering that the petitioner is a disabled person who is waiting with the legitimate expectation for the post of Office Assistant, on being selected in the selection process conducted by the 4th respondent Municipality, this Court hereby direct the respondents to revert back the transferred persons to any available vacancies in any other Municipality. The 2nd respondent is directed to issue appointment order to the petitioner, clarifying as to the procedure to be adopted by the respondents 4 and 5 within a period of four (4) weeks from the date of receipt of a copy of this order.



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6. Accordingly, this Writ Petition stands allowed. No costs.
Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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L.VICTORIA GOWRI, J.

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