



W.P.(MD).No.26956 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.26956 of 2023

and

W.M.P.(MD)No.23156 of 2023

M.Muthuram

...Petitioner

Vs

- 1.The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai – 600 009.
- 2.The Director of Town Panchayats,
Directorate of Town Panchayats,
7th and 8th Floor, Urban Administrative Office Campus,
Chennai – 600 028.
- 3.The District Collector,
Dindigul Collectorate Campus,
Dindigul.
- 4.The Assistant Director of Town Panchayats,
Office of the Assistant Director of Town Panchayats,
Dindigul District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondents herein to include the name of the petitioner herein in the Panel for appointment to the post of Executive Officer (Grade-II) in accordance with G.O.Ms.No.33, Personnel and Administrative Reforms (M) Department dated 02.03.2017 and the G.O.(2D).No.39, Municipal Administrative and Water Supply (TP1) Department dated 20.09.2021, based on the representation of the petitioner dated 03.10.2023 and 05.10.2023.

For Petitioner : Mr.M.Rajarajan

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard Mr.M.Rajarajan, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader for the respondents.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, seeking direction against the respondents to include the



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name of the petitioner in the Panel for appointment to the post of Executive Officer (Grade-II) in accordance with G.O.Ms.No.33, Personnel and Administrative Reforms (M) Department dated 02.03.2017 and the G.O.(2D).No.39, Municipal Administrative and Water Supply (TP1) Department dated 20.09.2021, based on the representations of the petitioner dated 03.10.2023 and 05.10.2023.

3. Mr.M.Rajarajan, learned counsel for the petitioner submitted that the petitioner was appointed as Junior Assistant and later got promoted to Bill Collector in the second respondent Department. The second respondent had sought for a panel list of eligible candidates to fill the vacancies of Executive Officers Grade-II in different Town Panchayat vide communication dated 18.08.2023, But, in the said panel list, the petitioner's name was not found place despite he was qualified.

4. As per the eligibility requirement, the petitioner has also cleared the departmental examination according to the revised syllabus. Hence, he should also be considered to the post of Executive Officer. In fact, the petitioner's probation has been declared even though he did not clear the



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departmental examination by relaxing the rules and thereby declaring the probation by giving effect to regularization with effect from the date of completion of two years of service.

5. However, when the matter is taken up today, the Mr.J.Ashok, learned Additional Government Pleader for the respondents fairly conceded that one post has been reserved due to the interim order passed by this Court at the time when this Writ Petition was admitted and it is further submitted that the respondents shall consider the petitioner's name for promotion.

6. However, while considering the petitioner's name for promotion, the fact that the petitioner has passed the departmental examination according to the new syllabus can also be considered without insisting that the petitioner ought to have completed the departmental examination as per the old syllabus, because the old syllabus is no more in existence. It is impossible to comply the above condition. Hence, the respondents shall consider the representation of the petitioner positively.



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7. In view of the same, this Writ Petition is **allowed** with a direction to the respondents to consider the representations of the petitioner dated 03.10.2023 and 05.10.2023 and issue orders with regard to promotion to the post of Executive Officer (Grade-II) within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

11.07.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

To:

- 1.The Principal Secretary to Government,
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R.N.MANJULA, J.

Nsr

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