

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2025

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THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.(MD)No.13756 of 2019

and

W.M.P(MD)Nos.10304 & 10305 of 2019

Antony Deepak

... Petitioner

Vs

1.The Government of Tamilnadu,
Rep. by its Secretary,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner,
Corporation of Tirunelveli, Tirunelveli, Tirunelveli District.

3.S.Nagarajan,
Skilled Assistant-II, Tirunelveli Corporation, Tirunelveli.

4.A.Sankara Narayanan,
Skilled Assistant-II, Tirunelveli Corporation, Tirunelveli.

5.S.Sorimuthu Pattaraja ,
Skilled Assistant-II, Tirunelveli Corporation, Tirunelveli.

6.G.Philip Anthony,
Skilled Assistant-II, Tirunelveli Corporation, Tirunelveli.

7.B.Sivasubramanian ,
Skilled Assistant-II, Tirunelveli Corporation, Tirunelveli.

8.A.Baiju,
Junior Engineer, Tirunelveli Corporation, Tirunelveli.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorarified mandamus**, to call for the impugned notification dated 10.06.2019, made in Na.Ka.No.C1/1080/2018, issued by the 2nd respondent with regard to appointment by promotion to the respondents 3 to 8 in the post of Assistant Engineer in Tirunelveli Corporation and quash the same as devoid of merits and consequently direct the respondents 1 and 2 to proceed with further in the selection process for the said post as per their earlier Notification bearing No.4 of 2016, forthwith.

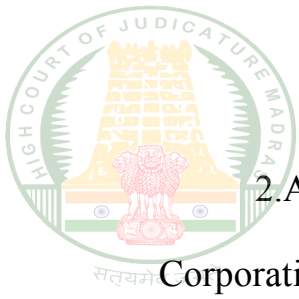
For Petitioner : M/s.S.Palani Velayutham

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1
Mr.Aayiram K.Selvakumar
Standing Counsel for R2
Mr.K.Vinoharan
for M/s.G.Prabhu Rajadurai for R3 to R7
No appearance for R8

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ORDER

The petitioner herein is an aspirant to be appointed as an Assistant Engineer in the Tirunelveli Corporation. According to him, in the year 2016, the Corporation has initiated the recruitment process for filling up the 4 posts of Assistant Engineers and the petitioner has also applied for the said post. But suddenly without any further process, the Corporation has chosen to appoint the private respondents herein.



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2. According to the petitioner, the appointment procedure followed by the Corporation is not in accordance with the Service Rules. Since the appointment to the post of Assistant Engineer is to be done only by way of direct recruitment, whereas, the Corporation appointed the in-service candidates. There is a violation of the rule. Hence, they have come forward with the present Writ Petition to set aside the appointment.

3. The learned Counsel for the Private respondents and the learned Additional Government Pleader appeared and made submissions in this regard.

4. According to the learned Additional Government Pleader, the Government has passed G.O.(D)No.191, dated 28.05.2019, and relaxed certain conditions of the appointment for the post of Assistant Engineer in order to accommodate the persons who have completed 15 years of service as a Junior Engineer without any promotion in the Corporation. Based on the G.O. only, the appointments have been made and there is no violation in this regard.

5. The learned Counsel appearing for the private respondents submits that they had initiated legal proceedings in the year 2018, seeking appointment in the vacant post of the Assistant Engineer in the Tirunelveli Corporation. According to him, they were in service for 15 years without any promotion and their case was considered by the Government. The Government was directed to consider the case by way of an order passed in W.P.(MD)No.5503 of 2018, and accordingly, they have been appointed in the post after relaxing the Rule and



there is no violation.

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6.I have gone through G.O.(D)No.191, dated 28.05.2019, wherein the Government has decided to consider the name of the petitioner while filling up the post of the Assistant Engineer not Technical Assistant, since those persons have already been employed for more than 15 years without any promotion. The Government has also agreed to relax the rules in this regard and this G.O. is in support of the private respondents. Though the claim made by the petitioner that there is a violation of the rule seems to be sound, the Government is empowered to relax the conditions for appointment as per Section 40 of the Tamil Nadu Government Servants(Conditions of Service) Act 2016, in filling up of the posts come under the Service Rules. Since G.O. has not been challenged, the order passed by the Commissioner impugned herein is in consonance with the Service Rules. This Court does not find any violation in appointment of the respondents 3 to 8 in the post. There are no merits in the Writ Petition.

7.Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are also closed.

26.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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To

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

2.The Commissioner,
Corporation of Tirunelveli, Tirunelveli,
Tirunelveli District.



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K.RAJASEKAR, J.

RJR

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