



WP(MD)Nos.21095 of 2021 and 10392 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 12.08.2025

PRONOUNCED ON : 28.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

WP(MD)Nos.21095 of 2021 and 10392 of 2022
WMP(MD)Nos.17693 and 17695 of 2021,
812, 22044, 7397 and 7398 of 2022

WP.No.21095 of 2021:-

S.Paramasivan, S/o. Shanmugam,
No.9, Arundhathiyar Street, Vavanagaram,
Vadakarai Keelpidagai, Tenkasi District

Petitioner

Vs

1. The Principal Secretary to Government,
Municipal Administration and Water Supply
Department, For St. George, Chennai-600 009
2. The Directorate of Town Panchayat, Kuralagam, Chennai 600 018
3. The District Collector, Tirunelveli, Tirunelveli District
4. The Assistant Director of Town Panchayat, Tirunelveli Zone,
Tirunelveli.
5. The Executive Officer, Vadakarai Keelpidagai,
1st Grade Town Panchayat, Tenkasi District
6. D.Ershath Khan, S/o. Dieawan Khan,
21/10, Amman Kovil street, Vadakarai
Keelpidagai, Tenkasi District

Respondents



WP(MD)Nos.21095 of 2021 and 10392 of 2022

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Prayer:- This Writ Petition has been filed, under the Article 226 of the Constitution of India, to issue a Writ of Certiorari and Mandamus, to call for the records relating to the impugned recruitment Notification for the post of Driver in the Office of the 5th Respondent, published by the 4th Respondent in Na.Ka.No.3783/2019/B4, dated 03.08.2020 and the consequential impugned appointment of the 6th Respondent to the post of Driver, issued by the 5th Respondent in Na.Ka.No.123/2019, dated 25.02.2021 and to quash the same and to fill up the post of the Drivers at the 5th Respondent's Office, by following the regulations framed in GO.Ms.No.37, dated 01.02.2021.

For Petitioner (s) : Mr.T.S.R.Venkataraman, SC for
Ms.N.Janaki Devi

For Respondent(s) : Mr.P.Thambi Durai, GA-RR1to5
Ms.Saphna for M/s.Ajmal Associates-R6

WP.No.10392 of 2022:-

D.Ershath Khan, S/o.Dieawan Khan
21/10, Amman Koil Street, Vadakarai
Tenkasi District

Petitioner

Vs

1. The Assistant Director of Town Panchayat,
Tirunelveli Zone, Tirunelveli.
2. The Executive Officer, Vadakarai Keelpidagai,
1st Ggrade Town Panchayat, Tenkasi District

Respondents



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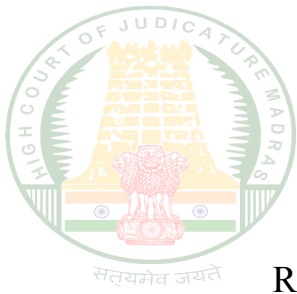
Prayer:- This Writ Petition has been filed, under the Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned order passed by the 2nd Respondent, by proceedings in Na.Ka.No.123/2019, dated 19.05.2022 and to quash the same.

For Petitioner (s) : Ms.Afrin Fathima for M/s.Ajmal Associates

For Respondent(s) : Mr.P.Thambi Durai, GA-RR1 and 2

COMMON ORDER

1. WP.No.21095 of 2021 has been filed, to issue a Writ of Certiorari and Mandamus, to call for the records, relating to the impugned recruitment Notification for the post of Driver in the Office of the 5th Respondent, published by the 4th Respondent in Na.Ka.No.3783/2019/B4, dated 03.08.2020 and the consequential impugned appointment of the 6th Respondent to the post of Driver, issued by the 5th Respondent in Na.Ka.No.123/2019, dated 25.02.2021 and to quash the same and to fill up the post of the Drivers, at the 5th Respondent's Office, by following the regulations framed in GO.Ms.No.37, dated 01.02.2021.
2. WP.No.10392 of 2022 has been filed, to issue a Writ of Certiorari to call for the records relating to the impugned order, passed by the 2nd



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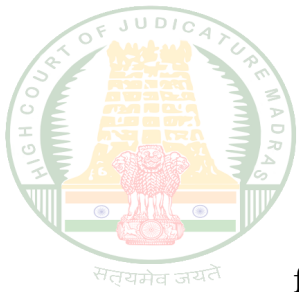
Respondent, by proceedings in Na.Ka.No.123/2019, dated 19.05.2022 and to quash the same.

3. Both the above Writ Petitions are interconnected with each other and are filed against the action of the same Respondents. Thus, both the Writ Petitions are being heard and decided together by this Common Judgement and Order.

4. WP(MD)No.21095 of 2021:-

The facts of the case, in a nutshell, led to filing of WP(MD)No.21095 of 2021, as set out in the affidavit filed in support of the said Writ Petition and necessary for disposal of the same, are as follows:-

- (a) The Petitioner joined on 23.04.2007 as a Sanitary Worker on daily wage basis under the 5th Respondent Office. The Petitioner has also been driving the Tractor, under the 5th Respondent Office, for more than 13 years and the 5th Respondent updated his HMV Driving License in his service register.
- (b) In GO.Ms.No.205, dated 23.03.1989 and in the Tamil Nadu Town Panchayats Establishment Rules 1988, rules for appointment to the post of Tractor Driver at the concerned Town Panchayats, by direct recruitment process, are framed. The Government passed GO.Ms.No.23, dated 03.03.1998, by issuing guidelines to create and



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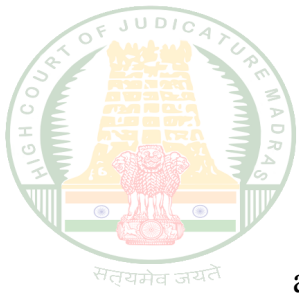


WP(MD)Nos.21095 of 2021 and 10392 of 2022

fill up the post of Tractor Driver at the Town Panchayats. Thereafter, the Government had passed another G.O.Ms.No.37 dated 01.02.2011, by making some amendment in the said G.O.Ms.No.205 with regard to appointing the Tractor Driver.

(c) As per the above said GOs, appointment to the post of Tractor Driver at the Town Panchayat level should be carried out “By Promotion”, as per the seniority list of entry level temporary employees, who are holding valid driving licence, in their respective Town Panchayats. Since the Petitioner is a temporary entry level post employee, serving at the 5th Respondent office as the Sanitary Worker and having a valid HMTV Driving license, as per the seniority list maintained by the 5th Respondent, he is the senior most temporary entry level post employee and since for the past thirteen years, he has been driving the Tractor to the satisfaction of his superiors, he is eligible to be selected for the post of Tractor Driver, as per the aforesaid G.O.Ms.No.37 dated 01.02.2011.

(d) However, without adhering to GO.Ms.37, the Respondents issued a notification in Na.Ka.No.3783/2019/B4, dated 11.11.2019, calling for applications for the post of Tractor Driver, by Direct Recruitment

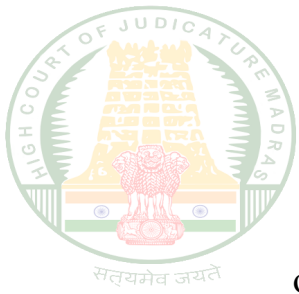


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and subsequently, it was withdrawn. Thereafter, the Petitioner sent a representation, dated 07.12.2019, seeking to appoint him as a Tractor Driver in the 5th Respondent Office. Again, the 4th Respondent issued a Notification in Na.Ka.No.3783/2019/B4, dated 03.08.2020 to fill up the post of Driver by direct recruitment at the 5th Respondent Town Panchayat Office.

(e) The National Commission for Scheduled Caste, Chennai has sent communications, dated 19.11.2020 and 03.02.2021 to the 3rd Respondent herein and sought to submit the action taken report, regarding manipulation in recruitment of Drivers. Thereafter, on 03.02.2021, the Petitioner sent another representation to the Respondents herein to appoint him to the post of Driver “By Promotion” as per the seniority list. The 4th Respondent has sent an enquiry notice, dated 12.02.2021, regarding the alleged manipulation in the recruitment of Drivers post and asked him to appear in person for enquiry on 19.02.2021 at the 4th Respondent office. But, on that day, enquiry was not conducted and the 4th Respondent, by enquiry notice, dated 22.02.2021 had informed the Petitioner that the enquiry had been postponed to 03.03.2021.

(f) The 5th Respondent in a hurried manner had given an appointment

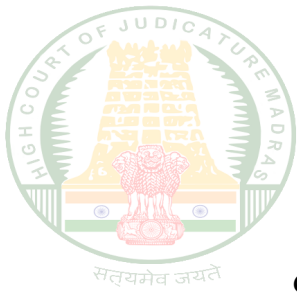


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order, dated 25.02.2021 to the 6th Respondent to the post of Tractor Driver, by way of direct recruitment, in violation of the above said GOs. Hence, contending that the action of the Respondents in issuing the impugned Notification to fill up the post of Driver at the 5th Respondent Office and consequently, in appointing the 6th Respondent as a Driver, is illegal, as it is in violation of the above said GOs and the rules framed therein, the present Writ Petition in WP(MD)No.21095 of 2021 has been filed, seeking the prayer, as stated above.

5. In WP(MD)No.21095 of 2021, in the counter affidavit filed by the Respondents, it is stated as under:-

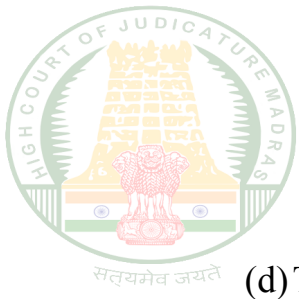
(a) The Petitioner was appointed as a Sanitary Worker, as per the Appointment Committee Resolution No.2, dated 19.04.2007 and the proceedings of the 5th Respondent Town Panchayat in Na.Ka.No. 1/2007, dated 20.04.2007. The Petitioner joined duty on 23.04.2007. One Arunachalam was working as a Tractor Driver in the sanctioned post at the 5th Respondent Office and he was relieved from service vide Na. Ka. No.85/2017, dated 30.11.2017, on attaining the age of superannuation. Thus, the Driver post fell vacant, from 01.12.2017. The vacancy in the Driver post was not filled, as per GO.Ms.No.37,



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dated 01.02.2011, as the lone eligible person was not willing to apply for the said post and hence, the Town Panchayat advertised for direct recruitment and the 6th Respondent was selected and appointed temporarily. However, since the 6th Respondent's experience in heavy vehicle driving was lacking, his appointment was already cancelled.

- (b) The Petitioner, who was appointed as a Sanitary Worker, could not be authorised to work as a full time Driver, contrary to rules. Though the Town Panchayat used its employees with driving licence for any urgent needs, the same cannot confer any right for appointment as a Driver. All the vehicles of the 5th Respondent Office, except Tractor, are operated with Drivers on contractual arrangements.
- (c) A separate Directorate of Town Panchayats was created under the Municipal Administration and Water Supply Department, vide GO.Ms.No.828, RD & LA Department, dated 07.05.1981. The post of Sanitary Worker and Driver in Town Panchayats are non provincialised posts, governed by the Tamil Nadu Town Panchayats Establishment Rules, 1988, published under the G.O.Ms. No.205, Rural Development Department, dated 23.03.1989.

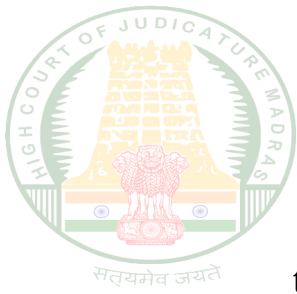


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(d) The post of Driver is classified as Class-IV and Category-I, to be filled by direct recruitment and required qualification is pass in VIII Std and possession of driving licence for heavy Vehicle, without Police or Magisterial endorsement and experience in Lorry Driving for five years, of which, at least three years must be in driving heavy vehicles.

(e) G.O.Ms.No.23, dated 03.03.1998, permitted the Town Panchayats, to fill up the post of Drivers, by promotion from the regular Office Assistants and if no such eligible person in the respective Town Panchayat is available, the daily wages employees recruited through the employment exchange shall be appointed. The GO.Ms.No.37, dated 01.02.2011 was issued, amending the previous G.O.Ms.No.23, in respect of filling up the post of Driver by promotion. Accordingly, the eligible person among the non provincialised post also shall be considered to fill by promotion, subject to drawing seniority, suitability and eligibility.

(f) It is true that the regular Office Assistant has to be given priority while filling up the vacancy for the post of Driver, by promotion. However, if there are no such eligible persons in the category of regular Office Assistants available, the second preference is to select



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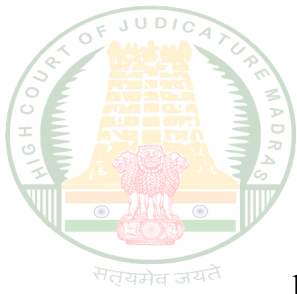


WP(MD)Nos.21095 of 2021 and 10392 of 2022

the eligible daily wages employees, who were recruited through the employment exchange, for the post of Driver, as per their seniority, by promotion. Even if there are no eligible persons in the category of such daily wages employees available, it is the liberty of the concerned Town Panchayat to go for direct recruitment.

(g) The Petitioner was granted with Time Scale of Pay and Selection Grade, on completion of ten years in service with effect from 23.04.2017 in the regular post. The Petitioner drew a monthly salary of Rs.36,208/-, as on May 2022 and availing all other emoluments, entitled for a permanent employee. Therefore, he is not a temporary employee at the 5th Respondent Office. The Petitioner acquired Driving Licence, bearing No.TN76.19970000519 on 03.03.1997, for Light Motor Vehicle. Later, he acquired Licence for Heavy Motor Vehicle on 10.09.2012, which is almost five years after joining as Sweeper. Since he acquired the licence for heavy vehicle, while he was in service as the Sanitary Worker, he had no required experience of five years in lorry driving, of which at least three years must be in heavy vehicles.

(h) There was no eligible candidates with required years of experience, among the serving employees in non provincialised posts. Hence, a



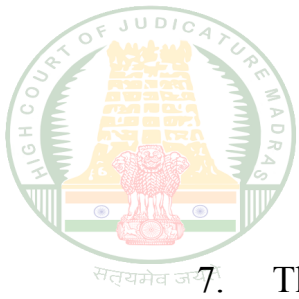
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WP(MD)Nos.21095 of 2021 and 10392 of 2022

paper publication was effected, as per the GO.Ms.No.44, Labour and Employment (T2) Department, dated 11.03.2015, apart from drawing names of eligible candidates from the District Employment Office. Call letters, vide Na.Ka.No.123/ 2019, dated 18.08.2020 were sent to 29 candidates, including the 24 applied in response to the paper advertisement and 5 referred by the Employment Exchange. In the interview held on 03.09.2020, the 6th Respondent was selected by the Resolution No.2, dated 25.02.2021, however, his appointment was cancelled, by the proceedings in Na.Ka.No. 123/2019, dated 19.05.2022, as he had no required years of driving experience. The 6th Respondent has challenged the cancellation of his appointment in WP(MD)No.10392 of 2022. In such circumstances, this WP(MD)No.21095 of 2021 is liable to be dismissed.

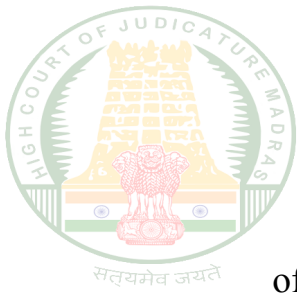
6. In WP(MD)No.21095 of 2021, in the rejoinder affidavit filed by the Petitioner, it is averred that the Petitioner joined duty on 23.04.2007 and he had a driving license even 10 years before that. The photo and the diesel bills signed by him filed by the Petitioner proves that he was driving the Tractor. Thus, the Petitioner is qualified and competent to drive the Tractor.



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7. The learned counsel for the Petitioner in WP(MD)No.21095 of 2021, reiterating the averments made in the affidavit filed in support of the present Writ Petition in WP(MD)No.21095 of 2021, has submitted that the impugned Notification, dated 03.08.2020 is against the rules framed in G.O.Ms.No.37, dated 01.02.2011 and hence, the consequential impugned appointment order of the 6th Respondent, dated 25.02.2021, is not sustainable and that the 5th Respondent may be directed to fill up the post of Driver, by following the regulations framed in G.O.Ms.No.37, dated 01.02.2011, by allowing WP(MD)No. 21095 of 2021. The learned counsel for the Petitioner has further submitted that for the past thirteen years, the Petitioner has been driving the Tractor to the satisfaction of his superiors and in support of the same, the Petitioner has filed the diesel bills for more than four years and hence, he is eligible to be appointed in the post of Tractor Driver in the 5th Respondent Office.

8. Per contra, the learned Government Advocate for the Respondents 1 to 5 in WP(MD)No.21095 of 2021, has submitted that since the Petitioner did not fulfil the required eligibility criteria in respect of educational qualification and HMTV driving experience, as per the G.O.MS.No.205, dated 23.03.1989, he was not considered for the post



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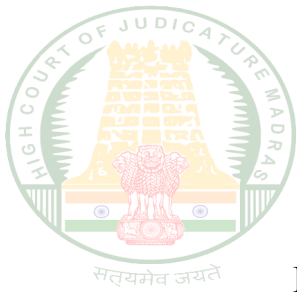
of the Tractor Driver in the 5th Respondent Office and that the Petitioner has also expressed his non willingness to the post of Tractor Driver, by his representations, dated 26.11.2019 and 04.02.2021 and that since the appointment of the 6th Respondent was cancelled, by the proceedings dated 19.05.2022 of the 2nd Respondent, as he also did not possess the required qualifications, as per the relevant GOs, the prayer in this regard does not arise at all and accordingly, WP(MD)No.21095 of 2021 deserves to be dismissed.

9. The learned counsel for the 6th Respondent in WP(MD)No.21095 of 2021 has submitted that the Petitioner has no locus standi to question his appointment as a Tractor Driver and that since the 6th Respondent possessed the required qualification to the post of Tractor Driver, the impugned order of cancellation of his appointment is illegal.

10. WP(MD)No.10392 of 2022:-

The facts of the case, in a nutshell, led to filing of WP(MD)No.10392 of 2022, as set out in the affidavit filed in support of the Writ Petition and necessary for disposal of the same, are as follows:-

- (a) The 1st Respondent vide his letter dated 02.07.2020 advised the 2nd Respondent to take steps to get the list from the District

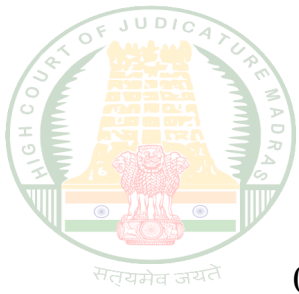


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Employment Exchange Office. The District Employment Exchange Officer, in his proceedings dated 14.07.2020, shortlisted 5 candidates. The Petitioner possessed 8th Standard Qualification. The 5th Respondent, vide proceedings dated 25.02.2021 appointed the Petitioner to the post of Tractor Driver by direct recruitment.

(b) One Paramasivam filed WP(MD)No.21095 of 2021, challenging the notification and the consequential appointment order issued to the Petitioner. The Writ Court, by order, dated 13.12.2021 was pleased to grant an interim order of injunction. As against the same, he filed a petition to vacate the interim order in WMP.No.812 of 2022 and the same is pending.

(c) While so, the 2nd Respondent vide his proceedings dated 29.04.2022 issued a show cause notice, seeking explanation as regards his qualification. The Petitioner also submitted his explanation on 18.05.2022, stating that he is in possession of required qualification of 8th Standard and the Heavy Vehicle Driving License. Subsequently, the 2nd Respondent, by the impugned proceedings, dated 19.05.2022 had cancelled his appointment order on the ground that he did not submit any explanation. The Petitioner obtained the light motor vehicle driving license in the year 2014 with Badge. No.



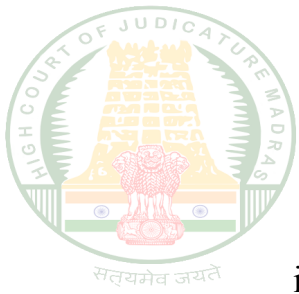
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00111 of 2014. Hence, contending that impugned order of cancellation of his appointment as the Tractor Driver is illegal, this Writ Petition has been filed, seeking the prayer, as stated above.

11. In the counter affidavit filed in WP(MD)No.10392 of 2022, filed by the Respondents, it is averred as under:-

(a) One Arunachalam was working as a Tractor Driver in the sanctioned post, in the 2nd Respondent Town Panchayat and he attained the age superannuation on 30.11.2017 and he was relieved from service vide Na. Ka. No.85/2017, dated 30.11.2017. Therefore, there was a vacancy in the post of Tractor Driver from 01.12.2017. The unit for appointment is the respective Town Panchayat, as per the Tamil Nadu Town Panchayats Establishment Rules, 1988, published under the G.O.Ms.No.205, Rural Development Department, dated 23.03.1989.

(b) The 2nd Respondent invited eligible candidates from the employment exchange and also issued a paper publication as per G.O.Ms.No.44, Labour and Employment (T2) Department, dated 11.03.2015. The District Employment referred 5 names including the name of the Petitioner. Similarly, 24 applications were received in response to the paper advertisement. Hence, call letters for



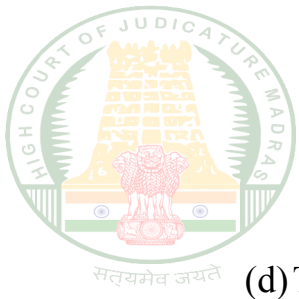
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WP(MD)Nos.21095 of 2021 and 10392 of 2022

interview were sent to all the 29 candidates, vide Na.Ka.No.123/2019, dated 18.08.2020. Out of 29 candidates, only 26 candidates, including the Petitioner attended the interview held on 03.09.2020. The Petitioner was selected by the Appointment Committee vide its Resolution No.2, dated 25.01.2021, subject to cancellation, in the event of finding discrepancy in credentials or lapses in appointment.

(c) A complaint was received from a Sanitary Worker, named S.Paramasivan, alleging irregularities in appointment of the Petitioner as Driver. Hence, the 1st Respondent issued a notice for enquiry. Before, conclusion of the enquiry, the said S.Paramasivan filed WP(MD) No.21095 of 2020, challenging the notification for recruitment of Driver. The new officials after taking charge in the Respondent's office, verified the documents and found that the Petitioner had no required experience of five years in lorry driving, of which, three years of experience in driving HMTVs. Therefore, the 2nd Respondent issued a show case notice vide Na.Ka.No.123/2019, dated 29.04.2022, for cancelling the temporary appointment. The Petitioner submitted his explanation dated 18.05.2022. However, the Petitioner was not qualified for the Driver post, as per the Tamil Nadu Town Panchayats Establishment Rules, 1988.

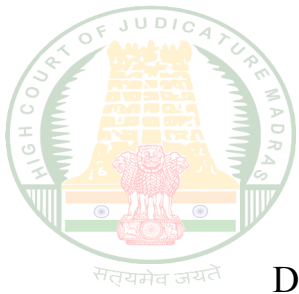


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(d) The Petitioner had obtained his Driving Licence No. TN7620140000701, for Light Motor Vehicle on 24.01.2014 and for Heavy Vehicle only on 26.12.2019. Hence, he did not have the required experience of five years as a Lorry Driver, of which at least three years in driving heavy vehicles. Hence, his temporary appointment was cancelled vide Na.Ka.No.123/2019, dated 19.05.2022, after affording him opportunity. Therefore, the averment of the Petitioner that he is very much qualified for the post of Tractor Driver is untrue and incorrect. It is therefore, prayed that this Court may be pleased to dismiss this writ petition as devoid of merits.

12. The learned counsel for the Petitioner in WP(MD)No.10392 of 2022 has submitted that the Petitioner had obtained the light motor vehicle driving license in the year 2014 itself with Badge.No.00111 of 2014 and that the experience would not affect the Petitioner's qualification in any manner and that the Petitioner is in possession of the required qualification and hence, the impugned order is unsustainable.

13. On the other hand, the learned Government Advocate for the Respondents in WP(MD)No.10392 of 2022 has submitted that as per GO.Ms.No.205, a person, seeking appointment to the post of Tractor



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Driver, must have obtained HMV licence at least five years before the date of issuance of the selection Notification and the selection Notification was dated 03.08.2020 and the Petitioner obtained HMV licence only on 26.12.2019 and his appointment was made on 25.02.2021 and thus, he is not eligible to be appointed as a Tractor Driver, as he did not possess the required qualification of experience in lorry driving for five years, of which, three years of experience in driving the HMVs and accordingly, his appointment was cancelled by the impugned order, which does not call for any interference by this Court.

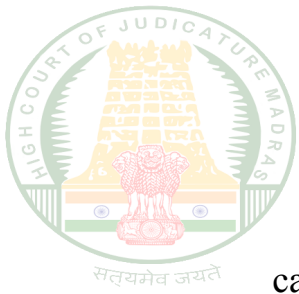
14. This Court heard Mr.T.S.R.Venkataraman, the learned senior counsel, assisted by Ms.N.Janaki Devi, for the Petitioner, Mr.P.Thambi Durai, learned Government Advocate for the Respondents 1 to 5 and Ms.Saphna and Ms.Afrin Fathima for M/s.Ajmal Associates, the learned counsel for the 6th Respondent in WP(MD)No.21095 of 2021 and Ms.Afrin Fathima and Ms.Saphna for M/s.Ajmal Associates, the learned counsel for the Petitioner and Mr.P.Thambi Durai, the learned Government Advocate for the Respondents 1 and 2 in WP(MD)No.10392 of 2022 and considered their respective submissions and also perused the material placed on



record.

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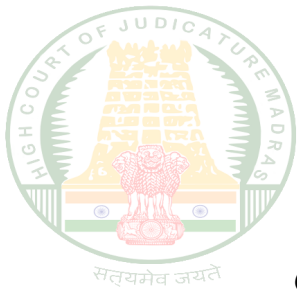
15. For the sake of convenience and for better understanding, the parties herein after are referred to as they are arrayed in WP(MD)No.21095 of 2021, namely, the Petitioner, the Respondents 1 to 5/Official Respondents and the 6th Respondent, who is the Writ Petitioner in WP(MD)No.10392 of 2022.
16. It is not in dispute on either side that the Petitioner was appointed as a Sanitary Worker, in the 5th Respondent Office, as per the Appointment Committee Resolution No.2, dated 19.04.2007 and the proceedings of the 5th Respondent Town Panchayat in Na.Ka.No. 1/2007, dated 20.04.2007 and the Petitioner joined duty on 23.04.2007. The Petitioner sought for appointment to the post of Tractor Driver in the 5th Respondent Office, relying on the relevant GOs. The Petitioner was not considered for the said post for want of eligibility criteria as per the relevant GOs. But, the 5th Respondent, vide proceedings dated 25.02.2021 appointed the 6th Respondent to the post of Tractor Driver by direct recruitment through the Employment Exchange, pursuant to the impugned recruitment Notification, dated 03.08.2020. However, by the impugned order dated 19.05.2022, the appointment of the 6th Respondent was



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- cancelled on the ground of lack of experience and qualification.
17. According to the Petitioner, without adhering to the relevant GOs and in violation of the principles of natural justice, he was not considered for the post of Tractor Driver. On the other hand, it is the case of the Official Respondents that since the Petitioner did not possess the requisite qualifications, namely, (i) experience in lorry driving for five years, of which at least, three years of experience in driving the heavy vehicles and (ii) educational qualification of minimum pass in VIII Standard, as per the relevant GOs. The case put forth by the 6th Respondent is that after having appointed him in the post of Tractor Driver, then later cancelling his appointment on the ground of lack of experience and qualification is illegal. According to the Official Respondents, the 6th Respondent is also not having the required qualification of experience in lorry driving for five years, of which at least, three years of experience in driving the heavy vehicles.
18. Be that as it may. Now, at this juncture, it would be appropriate to quote the relevant provisions of the relevant GOs for appointment to the post of Tractor Driver. The relevant Rule of G.O.M.S.No.205 dated 23.03.1989 is as under:-

“Class VI



WP(MD)Nos.21095 of 2021 and 10392 of 2022

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Category I

Tractor Driver by Director Recruitment:-

i) A pass in VIII Standard

ii) Possession of driving license for heavy Vehicle without police or Magisterial endorsement and experience in lorry driving for five years of which at least three years must be in driving heavy vehicles.”

19. As per the GO.Ms.No.23, dated, 03.03.1998, the post of Tractor Driver are to be filled up by Direct Promotion from the post of Regular Office Assistants. However, by GO.Ms.No.37, dated 01.02.2011, amendments were issued to the effect that by Promotion and by Direct Recruitment, the post of Driver are to be filled up from the categories of temporary employees, those who are having required educational qualification prescribed for the post of Driver and that in case there is no such qualified Office Assistants, then NMR/Daily Wages temporary employees can be considered for appointment to the said post provided that they should have qualifications in respect of both education and heavy vehicle driving experience, as prescribed in the GO.Ms.No.205, dated 23.03.1989.

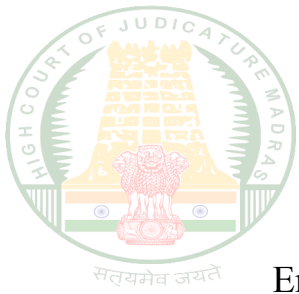
20. It is pertinent to note that before considering the question as to whether the posts are to be filled up by promotion or by direct



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recruitment from the categories of temporary employees or permanent employees or NMR/Daily Wages employees, it has to be seen first whether such a person, seeking such employment, satisfies the qualifications as prescribed under the GO.Ms.No.205, dated 23.03.1989, regarding educational and driving experience. Thereafter only, considering the question of appointment by promotion or by direct recruitment from the categories of temporary employees or permanent employment or NMR/Daily Wages employees, would arise.

21. As per the GO.Ms.No.205, a person, seeking appointment to the post of a Tractor Driver, should have passed VIII Standard and possessed a valid driving licence for heavy vehicles and experience in lorry driving for five years, of which at least, three years must be in driving heavy vehicles.
22. By virtue of GO.Ms.No.23, dated 21.02.2024, there was a change in circumstances regarding the filling up the posts in all the Town Panchayats. New norms for uniformity of post in all the Town Panchayats were formulated. A copy of the said GO.Ms.No.23, dated 21.02.2024 is also produced by the learned Government Advocate for the Respondents 1 to 5. The said GO contemplates that the Regular



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Employees, Under the General Administration, who are working in the post of Driver, Watchman etc. and the Regular Employees, Under the Public Health Wing, who are working in the post of Cleanliness worker, are deemed to be surrendered to the Government, after their retirement and no new appointments should be made to these posts. Further, it contemplates that the above posts will be outsourced by engaging Private Service Provider/Agency/Contractor.

23. The prayer as sought for by the Petitioner in WP(MD)No.21095 of 2021, is to quash the impugned Notification, dated 03.08.2020, calling for applications to the post of Tractor Driver and to cancel the subsequent appointment of the 6th Respondent as a Tractor Driver in the Office of the 5th Respondent and also only to conduct the selection process for the post of Tractor Driver, by following the regulations framed in GO.Ms.No.37, dated 01.02.2011. He has not made any prayer for a direction to the Respondents to appoint him as a Tractor Driver in the Office of the 5th Respondent.

24. Firstly, as per the GO.No.23, dated 21.02.2024, as on date, there is no recruitment for the post of Drivers, as the said posts were deemed to be surrendered to the Government after retirement and no new



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appointments should be made to these posts and the above posts would be outsourced by engaging Private Service Provider/Agency/ Contractor. Hence, the said Post of Tractor Driver, which fell vacant after retirement of the erstwhile employees, does not exist, as on date. Hence, nothing survives in the prayers sought for by both the Petitioner and the 6th Respondent.

25. Secondly, even on merits, since the Petitioner was a Permanent Employee as on 23.04.2017, as per the GO.Ms.No.37, dated 01.02.2011, only the temporary employees, who are having required qualifications in respect of both education as well as experience in driving the HMTVs, as per the said GO.Ms.No.205, dated 23.03.1989, have to be considered for the post of Tractor Drivers.
26. As per the said GO.No.205, dated 23.03.1989, the Petitioner did not satisfy the required qualification, namely, the educational qualification of Pass in VIII Standard, as is seen from his own letter, stating that he did not pass VIII Standard, a copy of which is produced by the learned Government Advocate for the Official Respondents. Further, the Petitioner had acquired the Heavy Vehicles Licence only on 10.09.2012, while he was in service. As per the letters dated, 27.11.2019 and 04.02.2021, the Petitioner and another



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opted to give Non-Willingness to consider them for the post of Tractor Driver. WP(MD)No.21095 of 2021 was filed on 24.11.2021. Thus, the Petitioner did not possess the required educational qualification of Pass in VIII Standard and the experience of five years in lorry driving, of which, three years of experience in driving the heavy vehicles. Thereafter, the 6th Respondent was appointed in the said post, through the Employment Exchange. However, since it was found that the 6th Respondent did not satisfy the required qualification of possession of experience in lorry driving for five years, of which, three years of experience in driving the heavy vehicles, as admittedly, the 6th Respondent obtained the heavy vehicles licence only on 26.12.2019, which was one year before the impugned selection Notification, dated 03.08.2020 and his appointment was made on 25.02.2021, his appointment was cancelled by the impugned proceedings, dated 19.05.2022.

27. This court finds no iota of evidence both from the Petitioner and the 6th Respondent regarding the qualifications regarding both educational and heavy vehicles driving experience and also to justify their case. There is no material evidence to show that before filing of WP(MD)No.21095 of 2021, the Petitioner has filed any



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representation, seeking appointment. But, the Petitioner in his affidavit has fully suppressed about his written communications, whereby he refused the promotion to the post of tractor driver and the facts that he is not having the specified qualification and he is working in the Permanent post. Having sent his representations/letters, refusing the post of Tractor Driver, on 26.11.2019 and 04.02.2021, a few months later, the Petitioner has no locus standi to seek such appointment to the post of Tractor Driver, by way of a Writ Petition and no relief can be granted, in view of the GO.Ms.No.23, dated 21.02.2024 and even on merits, it is established that both the Petitioner and the 6th Respondent have no locus standi to claim the post of Tractor Driver, in view of lack of required qualifications regarding educational and driving experience, as contemplated in the relevant GOs, as stated above and accordingly, both the Writ Petitions are liable to be dismissed.

28. In the result, in the light of the observations and the discussions made above, both the Writ Petitions in WP(MD)No.21095 of 2021 and WP(MD)No.10392 of 2022 **are dismissed.**
29. There is no order as to costs. Consequently, the connected Writ Miscellaneous Petitions are closed.



WP(MD)Nos.21095 of 2021 and 10392 of 2022

28.08.2025

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Index:Yes.No
Web:Yes.No
Speaking.Non Speaking
Neutral Citation
Srcm

To

1. The Principal Secretary to Government, Municipal Administration and Water Supply Department, For St. George, Chennai-600 009
2. The Directorate of Town Panchayat, Kuralagam, Chennai 600 018
3. The District Collector, Tirunelveli, Tirunelveli District
4. The Assistant Director of Town Panchayat, Tirunelveli Zone, Tirunelveli.
5. The Executive Officer, Vadakarai Keelpidagai, 1st Ggrade Town Panchayat, Tenkasi District



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WP(MD)Nos.21095 of 2021 and 10392 of 2022

SHAMIM AHMED, J.

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Pre-Delivery Order in
WP(MD)Nos.21095 of 2021
and 10392 of 2022

28.08.2025