



WP Nso.28550 of 2013 & 30136 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on 28.04.2026	Pronounced on 17.06.2026
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CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WP Nos.28550 of 2013 & 30136 of 2016
and WMP No.26107 of 2016**

WP No. 28550 of 2013

C.Saravanan
S/o.Chinnasaakan, 152/89-42B,
Gandhi Nagar, Muthumariamman Kovil Street,
Marahandahalli Post, Palacode Taluk,
Dharmapuri District

..Petitioner(s)

Vs

1. The District Collector
Dharmapuri District
2. The Executive Officer
Marahandahalli Town Panchayat,
Marahandahalli, Dharmapuri District
3. Satish, S/o.Sankaran,
Truck Driver,
Marahandahalli Town Panchayat,
Marahandahalli, Dharmapuri District

..Respondent(s)

W.P.No.30136 of 2016

C.Saravanan
S/o.Chinnasaakan, 152/89-42B, Gandhi Nagar,



WP Nso.28550 of 2013 & 30136 of 2016

Muthumariamman Kovil Street,
Marandahalli post, Palacode Taluk,
Dharmapuri District

... Petitioner(s)

Vs

1. The Executive Officer
Selection Grade Town Panchayat Office,
Marandahalli Post, Palakode Taluk,
Dharmapuri District
2. The Chairman
Selection Grade Town Panchayat,
Marandahalli Post, Dharmapuri District
3. The Appointment Committee Member,
3rd Ward Counselor, 12-A, Panjapalli Road,
Marandahalli-636 806, Dharmapuri District
4. S.Satish, S/o.Sankaran,
Tractor Driver, Marandahalli Town Panchayat,
Marandahalli, Dharmapuri District

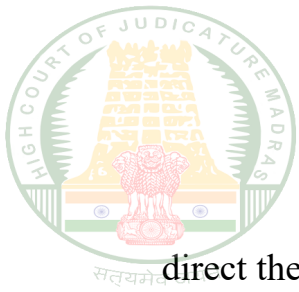
..Respondent(s)

WP No. 28550 of 2013

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring the appointment of the 3rd respondent as “Truck Driver” with the 2nd respondent Town Panchayat, as illegal and null and void and further direct the 1st and 2nd respondent to appoint the petitioner as “Truck Driver” with the 2nd respondent Town Panchayat.

WP No. 30136 of 2016

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the entire records relating to impugned order in Na.Ka.No. 426/2012/A1 dated 27/05/2013 issued by the 1st respondent in favour of 4th respondent and quash the same and consequently



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direct the 1st respondent to appoint the petitioner as Tractor Driver post from the date of appointment of the 4th respondent i.e. 27/05/2013 along with other benefits within a time frame fixed by this Court.

For Petitioner(s): Ms.G.Arul Selvi,
(in both cases)

For Respondent(s): Mr.S.J.Mohammed Sathik
Government Advocate
For R1 & R2 in W.P.No.28550 of 2013
For R1 to R3 in W.P.No.30136 of 2016

Mr.M.R.Jothimanian
for Mr.G.Elavarasan,
For R3 in W.P.No.28550 of 2013
For R4 in W.P.No.30136 of 2016

COMMON ORDER

W.P.No.28550 of 2013 has been filed to declare the appointment of the 3rd respondent as “Truck Driver” in the office of the 2nd respondent Town Panchayat, as illegal, null and void and further direct the 1st and 2nd respondent to appoint the petitioner as “Truck Driver” in the office of the 2nd respondent Town Panchayat.

2.WP No. 30136 of 2016 has been filed to call for the entire records relating to the impugned order in Na.Ka.No. 426/2012/A1 dated 27/05/2013 issued by the 1st respondent in favour of the 4th respondent, quash the same and



consequently direct the 1st respondent to appoint the petitioner as Tractor Driver from the date of appointment of the 4th respondent i.e. 27/05/2013 along with other benefits within a time frame as may be fixed by this Court.

3.Both the Writ Petitions have been filed by the same writ petitioner. According to the writ petitioner, he has completed 10th standard and Diploma in Agriculture/Horticulture and holds a Heavy Motor Vehicle driving licence. He had also registered his qualification with the Employment Exchange, Dharmapuri. His Heavy Motor Vehicle licence was registered with the Department of Employment and Training, Dharmapuri on 05.09.2005. When a vacancy arose for the post of Truck Driver (Public Health Work) in the office of the 2nd respondent Town Panchayat, a list of eligible candidates were shortlisted from the District Employment Office, Dharmapuri. The District Employment Office, Dharmapuri has sponsored a list of candidates for appointment as per seniority, including the name of the petitioner. Based on the same, a personal interview was conducted by the 2nd respondent on 27.05.2013 at 3.00 p.m.

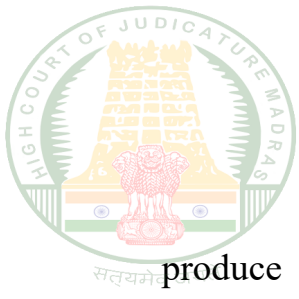
4.According to the petitioner, he belongs to Adi Dravidar Community, possessing the requisite Heavy Motor Vehicle driving licence and necessary experience prescribed for the post, however, he was not appointed. On the other



hand, the private respondent, namely S.Sathish, was appointed, who did not possess the requisite driving licence on the date of the interview, and also not having a valid experience certificate. According to the petitioner, the appointment of the private respondent is illegal and contrary to the conditions stipulated in the notification for appointment to the post of Tractor Driver. Therefore, he sought cancellation of appointment of the private respondent.

5.It is the further case of the petitioner that he had obtained information under the Right To Information Act on 31.05.2013 regarding the eligibility of the private respondent and the said information disclosed that the private respondent did not possess the requisite qualification.

6.It is the case of the first respondent in W.P.No.30136 of 2016 that the petitioner has approached this Court with suppressed and incorrect facts, particularly regarding his residential status and eligibility for appointment. Though he claimed to be a resident of Marandahalli Town Panchayat, his employment ID card reflects his address as Periyanoor Village, which is situated about 8 Km from Marandahalli and is confirmed through his Voter ID registered in Periyanoor Village. Even the letter sent to him from respondent's Office was returned with an endorsement 'No such address'. Also he failed to



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produce the required experience Certificate. Therefore, his candidature was rightly rejected by the Appointment Committee for appointment to the post of Tractor driver and was justified by the following two fundamental reasons:

- (i) Residency: The post was reserved for male candidates residing within the specific limits of the Marandahalli Selection Grade Town Panchayat, which condition the petitioner did not meet and
- (ii) Documentation: The petitioner neglected to provide a valid experience certificate, which was a prerequisite for application.

7. It is further stated that the District Employment Office, through letter No.2013G0048 dated 17.05.2013, sponsored the following five candidates for the post of Tractor Driver:

S.No.	Name	D.O.B	Employment ID No.	Community
1	S.Kumar	08.04.1978	DRD1996M10204	SC
2	C.Elamparuthi	28.05.1978	DRD1996M11181	SC
3	P.Kumaresan	01.05.1982	DRD1996M07678	MBC
4	C.Saravanan	13.05.1983	DRD2003M00000875	SC
5	S.Sathish	25.04.1991	DRD2009M00012129	SC

8. In accordance with the prescribed procedure, the candidates sponsored by the Employment Exchange were considered and one Mr.Sathish, the private respondent herein was selected and appointed as Tractor driver on 27.05.2013 and he has been serving as Tractor Driver for the past 12 years without any adverse remarks. It is further submitted that the Driver and Sanitary workers



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related posts are to be filled only on contract basis and no fresh regular appointments can be made. Therefore, there is no vacancy available at present.

Hence, the Writ Petition is liable to be dismissed.

9. The official respondents further submitted that the petitioner had originally filed W.P.No.28550 of 2013, challenging the appointment of the private respondent.

10. The case of the private respondent is that the writ petition is not maintainable, as the petitioner was not eligible for the appointment to the post of Tractor Driver. According to him, he belongs to the Scheduled Caste (Adi Dravidar) community and had registered his name with the District Employment Exchange, Dharmapuri. He also possess valid driving licences for both Light Motor Vehicle and Heavy Motor Vehicle and had more than three years of experience as driver in Sri Lakshmi Narayana Lorry Service, Marandahalli. It is his further contention that he was called for interview by the Executive Officer, Marandahalli Town Panchayat and he attended the same on 27.05.2013. He had also produced all the required certificates, including the experience certificate and he also possess all qualifications prescribed for the

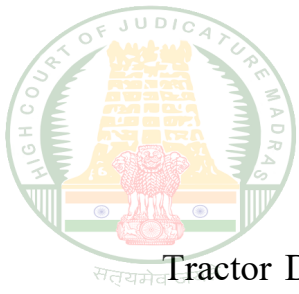


post. After verification of certificates, he was selected and appointed as Tractor Driver. The appointment order was issued on 27.05.2013 and he joined duty on 30.05.2013. From that day, he has been serving continuously for nearly 13 years and he has discharged his duties diligently without any adverse remarks. The selection was made by a duly constituted Appointment Committee, consisting of the Town Panchayat President, Committee Members and the Executive Officer. He further stated that the petitioner had furnished a false residential address and therefore, he did not satisfy the eligibility conditions. Hence, the writ petition is devoid of merits and liable to be dismissed.

11. The learned counsel appearing for the writ petitioner submitted that the private respondent had not obtained the post in accordance with the rules provided in the Tamil Nadu Town Panchayats Establishment Rules, 1988, Annexure I (Sub Rule 9a in Rule 4), wherein the qualifications prescribed for the post of Tractor Driver under the Miscellaneous Category are as follows:

- i) A pass in VIII std.
- ii) Possession of driving licence for heavy vehicle without police or Magisterial endorsement and experience in lorry driving for five years of which atleast three years must be in driving heavy vehicles.

12. The learned counsel for the petitioner further pointed out that for



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Tractor Driver Post, a candidate must possess a Heavy Motor Vehicle driving licence and should have five years of experience, including atleast three years in driving heavy motor vehicles whereas the private respondent had obtained heavy motor vehicle driving licence only on 04.02.2013, a few months before his appointment on 27.05.2013. It is evident that he did not possess the requisite five years experience prescribed for the post. Therefore, the appointment is contrary to the Rules and liable to be set aside.

13. In support of his contention, the learned counsel for the petitioner relied upon the order of this Court made in W.P.No.16405 of 2015 dated 10.04.2026, wherein it had been observed as follows:

“14. Notwithstanding the above finding, it is to be noted that the appointment of the third respondent was made in the year 2014 and she has been in continuous service for over a decade. At this distance of time, interference with her appointment would not only unsettle a long-standing position but would also cause serious prejudice and administrative complications. In such circumstances, equitable considerations must weigh against disturbing settled appointments.”

14. Per contra, the learned counsel appearing for the private respondent submitted that the private respondent possessed sufficient experience, as evidenced by the experience certificate issued by Sri Lakshmi Narayana Lorry



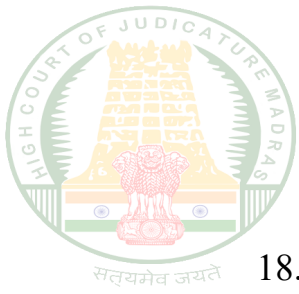
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Service, Panchapalli Road, Marandahalli dated 25.05.2013, stating that the private respondent worked as a driver from 21.02.2010 to 25.05.2013 and had drawn a salary of Rs.6,000/- per month along with Rs.100/- per day as batta. Therefore, there is no illegality in the appointment of the private respondent.

15. It is the further contention of the learned counsel for the private respondent that from the date of appointment, the private respondent has discharged his duty as a tractor driver, without any adverse remarks and he is the sole breadwinner of his family. His further contention is that the writ petitioner having participated in the selection process cannot challenge the appointment of the private respondent or seek consequential direction for his own appointment.

16. Heard the learned counsel appearing for the parties and perused the materials available on record.

17. Taking into account the factum and circumstances of this case, the question that arises for consideration is, *Whether the private respondent possessed the requisite driving licence and the prescribed driving experience as on the relevant date?*



18.Pursuant to the vacancy arisen for the post of Tractor Driver, the Town Panchayat, by its letter in Na.Ka.No. 426/2012/A1 dated 31.01.2013, requested the District Employment Officer to sponsor candidates for filling up one post of Tractor Driver at Marandahalli Town Panchayat under "General Turn-Non Priority" category. The upper age limit was fixed at 35. Based on the said letter, the District Employment Office at Dharmapuri forwarded a list of five eligible candidates through letter No.2013G0023 dated 19.03.2013. After conducting interview, the private respondent was selected and appointed.

19.The counter affidavit filed by the 1st respondent in W.P.No.30136 of 2016 makes it clear that at the time of interview, the private respondent had produced his experience certificate and a valid driving licence. Therefore, according to the official respondents, there was no irregularity or illegality in his appointment.

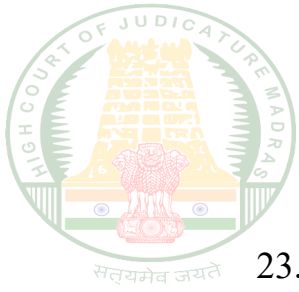
20. On the other hand, it is the case of the private respondent that he possessed valid Driving Licence and requisite experience and was appointed through employment exchange on 27.05.2013. According to him, there was no illegality in the selection process and he has rendered unblemished service without any adverse remarks and he has not committed any accident during his



employment.
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21.A perusal of the counter affidavits filed by the official respondents and the private respondent reveal that the private respondent was appointed on 27.05.2013, whereas he obtained the Heavy Motor Vehicle Driving Licence only on 04.02.2013. The Rules require a minimum three years of experience in driving Heavy Vehicles and such experience can be calculated only from the date of obtaining the licence.

22.Admittedly, the possession of the driving licence is not in dispute. However, as per the notification, a candidate should satisfy the requirement of five years of driving experience, including at least three years of experience in driving a Heavy Motor Vehicle. Such experience can be calculated only from the date of obtaining the relevant driving licence. Any experience claimed prior to the issuance of the licence cannot be treated as valid experience. Therefore, the argument which was advanced by the private respondent that he had possessed the requisite experience at the relevant point of time cannot be accepted. The Experience Certificate produced and relied upon by the private respondent did not satisfy the statutory requirement and therefore, the same is rejected in limine, as it has no value.



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23. With regard to the plea of parity that was raised by the learned counsel for the private respondent by relying upon the judgment of this Court as referred supra, the same cannot be accepted since the employment of any other post is different from that of the tractor driver operating heavy vehicle in public place. When the appointment is made contrary to the Rules in favour of a candidate, who has not even possessed valid experience certificate, after the date of driving licence obtained, such appointment cannot be sustained. During appointments, the rules contained in G.O.Ms.No.205, R.D. Dept., dated 13.03.1989 read with the Tamil Nadu Town Panchayats Establishment Rules, 1988 should be complied with.

24. The rules governing appointment of drivers, more specifically Heavy Motor Vehicle Drivers, require strict compliance. Road accidents on National Highways and State Highways continue to increase year after year and the person who does not have requisite driving licence and experience are one of the reasons for the cause of accidents. Merely because the private respondent has not caused any accident during his employment, cannot be a ground to sustain an appointment made contrary to the prescribed Rules.



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25.A Report by the Government of India, Ministry of Road Transport and Highways, Transport Research Wing on Road Accidents in India, 2023 shows that, Heavy Motor Vehicles, like Trucks and Lorries have caused 13,651 road accidents and 5,274 fatalities due to road accidents in the year 2023, which is extracted hereunder:

Category	2022		2023	
	Accident	Death	Accident	Death
Pedestrians	20,513	10,160	19,992	11,180
Bicycles	3,003	1,445	2,719	1,335
Two Wheelers	63,115	25,228	62,598	26,801
Auto Rickshaws	6,038	2,324	5,060	1,972
Cars, Taxis, Vans	29,005	10,174	30,994	10,564
Trucks/Lorries	13,619	5,572	13,651	5,274
Buses	5,268	1,798	5,267	1,596
Others	11,436	4,337	9,896	4,390
Total	1,51,997	61,038	1,50,177	63,112

The same report identified that driving without a valid licence was one of the main causes of road accidents and revealed that in the year 2023, road accidents involving drivers without valid licence constituted 7% of the total accidents, posing a serious traffic hazard. The said data is extracted hereunder:



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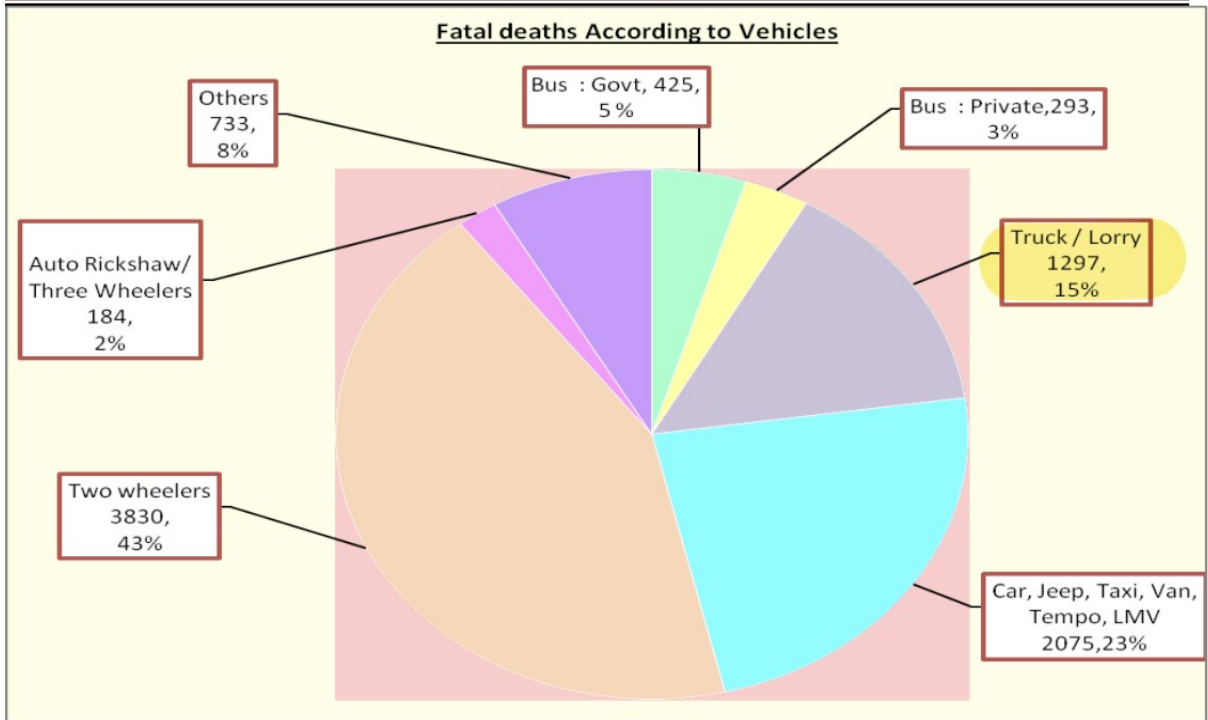
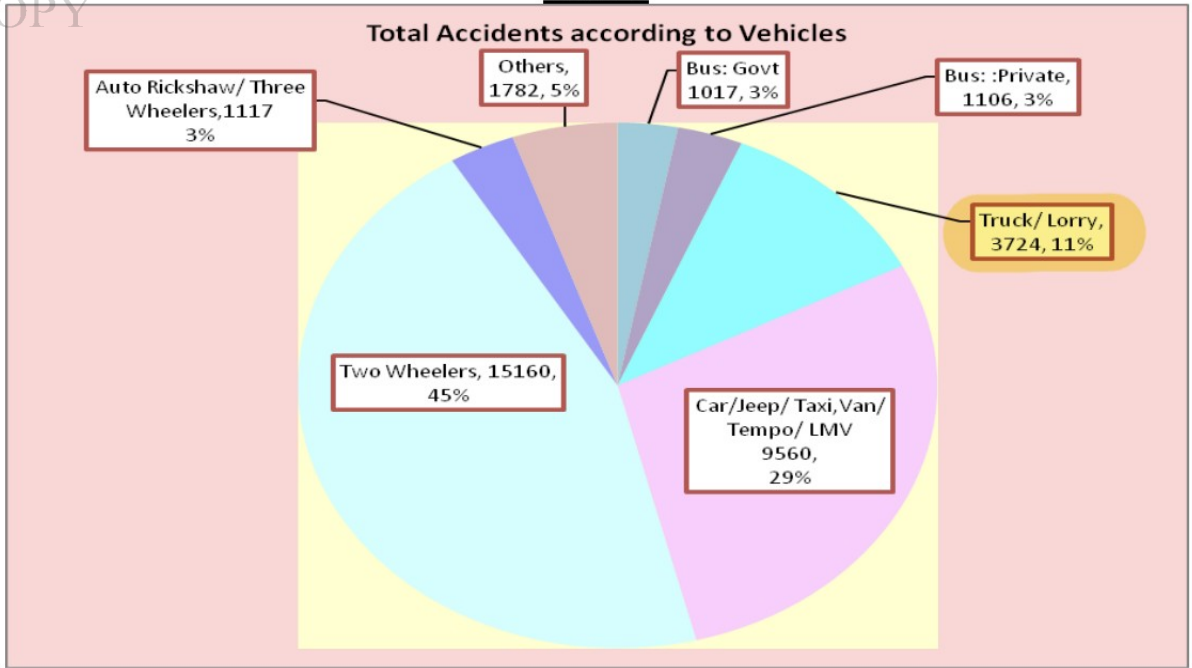
Type of Licence	2019	2020	2021	2022	2023
Valid driving licence	3,31,967	2,64,991	2,90,261	3,20,235	3,40,960
% Share in total	72.6	71.2	70.4	69.4	70.9
Learner's licence	24,972	19,117	19,184	18,298	16,074
% Share in total	5.5	5.1	4.7	4	3.3
Without valid licence	41,126	34,716	37,182	35,925	33,827
% Share in total	9	9.3	9	7.8	7
Not known	58,894	53,357	65,805	86,854	89,722
% Share in total	12.9	14.3	16	18.8	18.7
Total	4,56,959	3,72,181	4,12,432	4,61,312	4,80,583

26. According to the Ministry of Transport and Highway's Annual Report on Road Accident Data for the year 2022, 20% of the total road fatalities occurred due to accident caused by trucks as the perpetrating vehicles. The Provisional Road Accident Analysis conducted in the State of Tamil Nadu during June, 2023 shows that 15% of the total road accident fatalities were caused by Trucks and Lorries and out of 33,466 accidents in the State, 32,316 accidents took place solely due to the fault of the driver, which constitutes 96.56% of the total accidents.



10(a).Accidents according to type of vehicles for upto June 2023

Chart -7



Source: SCRB



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12. Accidents according to causes upto June 2023 (Provisional Data)

Table-16

NUMBER OF ROAD ACCIDENTS ACCORDING TO CAUSES								
Types of Causes	Fatal		Grevious Injury		Minor injury		Non-injury	Total Accidents
	N.A	N.P.K	N.A	N.P.I	N.A	N.P.I	N.A	
Pedestrian	92	93	88	89	96	105	1	277
Cyclist	7	7	7	7	12	16	0	26
Driver	8046	8468	6862	7517	16825	27819	583	32316
Passenger	23	24	18	18	31	33	0	72
Animal	94	95	46	58	117	216	8	265
Bad Road	46	46	51	51	44	75	3	144
Mechanical Defect	19	22	18	22	29	151	3	69
Bad Weather	17	17	19	24	34	63	1	71
Others	64	65	63	67	93	122	6	226
Total	8408	8837	7172	7853	17281	28600	605	33466

NA=No. Of Accidents NPK=No. of Persons Killed NPI=No. Of Persons Injured

Source: SCRB

27.The India Status Report on Road Safety, 2024, Transportation Research and Injury Prevention Centre, Indian Institute of Technology, Delhi, reveals the following data on accidents caused by Trucks as the impacting vehicles:

Victims	Impacting Vehicle					
	Motorized 2-wheeler	Motorized 3-wheeler	Car	Bus	Truck	Other
Pedestrian	25%	1%	29%	6%	30%	9%
Bicycle	22%	1%	29%	6%	35%	7%
Motorized 2-wheeler	14%	1%	22%	4%	33%	26%
Motorized 3-wheeler	3%	2%	25%	6%	28%	36%
Car	2%	0%	13%	5%	47%	33%
Bus	3%	0%	1%	4%	27%	65%
Truck	3%	0%	3%	3%	57%	34%
Farm Tractor	1%	0%	3%	1%	21%	74%
Others	5%	1%	25%	4%	28%	37%



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28.The above data show the reasons for the accidents, which occurs in our country, which takes away the invaluable lives of innocents for no reason. The requisite qualification to get the driving licence and the required experience is a paramount factor to avoid accidents, which will save the lives, not only of the person driving the vehicles, but also of the road users.

29.By taking into account the said data, which were extracted above, the case on hand is a classic one, where the appointment of the writ petitioner is in gross violation of the prescribed rules and lack of experience.

30.In view of the above, the appointment of the private respondent viz., Mr.S.Sathish vide Na.Ka.No. 426/2012/A1 dated 27/05/2013 issued by the 1st respondent is hereby set aside. With regard to the consequential prayer of appointment of the writ petitioner is concerned, the same cannot be considered. It is left open to the respondents to follow the due process of law by initiating a fresh recruitment process through notification, in accordance with law.



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31.With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

17.06.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1.The Executive Officer
Selection Grade Town Panchayat Office,
Marandahalli Post, Palakode Taluk,
Dharmapuri District

2.The Chairman
Selection Grade Town Panchayat,
Marandahalli Post, Dharmapuri District.

3.The Appointment Committee Member,
3rd Ward Counselor, 12-A, Panjapalli Road,
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Marandahalli, Dharmapuri District



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N.SENTHILKUMAR J.
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Pre-delivery common order made in
WP Nos.28550 of 2013 & 30136 of 2016
and
WMP No.26107 of 2016

Dated:17.06.2026

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