

Deenadayal vs Tanur Municipality

Deenadayal vs Tanur Municipality

SooperKanoon Citation : sooperkanoon.com/1297640

Court : Kerala

Decided On : Feb-06-2024

Judge : Honourable Mr.Justice Basant Balaji

Appeal No. : WP(C)/25602/2022

Appellant : Deenadayal

Respondent : Tanur Municipality

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE BASANT BALAJI
TUESDAY, THE 6TH DAY OF FEBRUARY 2024 / 17TH MAGHA, 1945
WP(C) NO. 25418 OF 2022 PETITIONER/S: 1 MAITHILI AGED 43
YEARS D/O. DAMODARAN, CHERANDA HOUSE, PURATHUR
P.O.,MALAPPURAM DISTRICT, PIN - 2 BEENA AGED 48 YEARS D/O.
C. KUTTAN CHANAYIL HOUSE, TRIPRANGODE P.O., ALATHIYOOR,
MALAPPURAM DISTRICT, PIN - 676108 3 SREEMU T.P AGED 45
YEARS D/O. KORAN, THALUKATTUPARAMBIL, NIRAMARUTHUR
P.O.,TIRUR, MALAPPURAM DISTRICT, PIN - 676109 BY ADV
C.M.MOHAMMED IQUABAL RESPONDENT/S:

1 TANUR MUNICIPALITY TANUR P.O., MALAPPURAM DISTRICT, REPRESENTED BY ITS SECRETARY., PIN - 676302 2 THE SECRETARY TANUR MUNICIPALITY, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 3 TANUR MUNICIPAL COUNCIL TANUR MUNICIPALITY, TANUR P.O., MALAPPURAM DISTRICT, REPRESENTED BY ITS CHAIRMAN., PIN - 676302 4 SHAMSUDHEEN.K S/O. MOHAMMED ABDUL KADER, KAIJIRAJYARAKATH HOUSE, TANUR P.O., MALAPPURAM 5 SHAMSUDHEEN S/O. JAFFER MUSALIAR, PANATTIL HOUSE, PANANGATTUR P.O., PARIYAPURAM, MALAPPURAM 6 IRSHAD K.P. S/O. ISMAIL, KACHEENTEPURAKKAL HOUSE, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302

7 VISHAKHAN.T S/O. SEKHARAN, TAILAPARAMBIL HOUSE, CHIRAKKAL, TANUR, MALAPPURAM DISTRICT, PIN - 676302 8 RAFEEQ K.P. S/O. IBRAHIMKUTTY, OOTILANTEPURACKAL HOUSE, EDAKADAPPURAM, TANUR P.O., MALAPPURAM 9 NAJUMU.M W/O. MOIDEEN KOYA, MULLAKANEEKATH HOUSE, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 10 VINEESH.P PERALIPATTU HOUSE, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 11 ANOOP KUMAR.V VARIYATH KALATHINGAL HOUSE, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 12 NARAYANAN KUTTY.T S/O. APPUKUTTY, THARAYIL HOUSE, NEDUVA P.O., PARAPPANANGADI, MALAPPURAM DISTRICT, PIN - 676303 13 IBRAHIM.K S/O. MOIDEENKUTTY, KALATHIL HOUSE, TANUR POST, (VIA) KATTILANGADI, TANUR, MALAPPURAM 14 SUNITHA KUMARI.S POOKKAYIL BAZAR, POOKKAYIL P.O., TIRUR, MALAPPURAM DISTRICT, PIN - 676107 15 RENUKA K.V PULIYERI HOUSE, TANUR P.O., MALAPPURAM 16 BINDULEKHA .R CHITHRALAYAM, TANUR P.O., MALAPPURAM 17 VASU C.T CHAMMEL THARAMMAL HOUSE, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 18 REJULA E.K. KAPPIKUNNUMMAL HOUSE, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 BY

ADVS. HARISH R. MENON, SC, TANUR MUNICIPALITY ELVIN PETER
P.J. Premsankar R K.R.GANESH GOURI BALAGOPAL
ABHIJITH.K.ANIRUDHAN SREELEKSHMI A.S. ANU JOSEPH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06.02.2024, ALONG WITH WP(C).28539/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE BASANT BALAJI
TUESDAY, THE 6TH DAY OF FEBRUARY 2024 / 17TH MAGHA, 1945
WP(C) NO. 28539 OF 2022 PETITIONER/S:

1 SHYJU AGED 39 YEARS S/O. PERUNDAN VYDYAN, MANAMMEL
HOUSE, PANANGATTUR P.O., TANUR, MALAPPURAM 2 SAJEESH
AGED 39 YEARS S/O. SOMASUNDARAN, PULIKKAPATTU HOUSE,
OZHUR P.O., MALAPPURAM 3 SHEEBA AGED 41 YEARS W/O.
RAJESH KUMAR, KURUKKANARI HOUSE, PARIYAPURAM, TANUR
P.O., MALAPPURAM 4 SUMESH AGED 39 YEARS S/O.
SHANMUKHAN V., AREEPARAMBIL HOUSE, PARIYAPURAM, EAST
MUKKOLA, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 BY
ADV C.M.MOHAMMED IQUABAL

RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY THE SECRETARY TO
FINANCE DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 2
THE EMPLOYMENT OFFICER, TOWN EMPLOYMENT EXCHANGE,
TIRUR P.O., MALAPPURAM DISTRICT, PIN - 676101 3 TANUR
MUNICIPALITY TANUR P.O., MALAPPURAM DISTRICT,
REPRESENTED BY ITS SECRETARY., PIN - 676302 4 THE
SECREATRY TANUR MUNICIPALITY, TANUR P.O., MALAPPURAM

DISTRICT, PIN - 676302 5 TANUR MUNICIPAL COUNSEL TANUR MUNICIPALITY, TANUR P.O., MALAPPURAM DISTRICT, REPRESENTED BY ITS CHAIRMAN., PIN - 676302

6 SHAMSUDHEEN.K S/O. MOHAMMED ABDUL KADER, KAIJIRAJYARAKATH HOUSE, TANUR P.O., MALAPPURAM 7 SHAMSUDHEEN S/O. JAFFER MUSALIAR, PANATTIL HOUSE, PANANGATTUR P.O., PARIYAPURAM, MALAPPURAM 8 IRSHAD K.P S/O. ISMAIL, KACHEENTEPURAKKAL HOUSE, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 9 VAISAKHAN S/O. SEKHARAN, TAILAPARAMBIL HOUSE, CHIRAKKAL, TANUR, MALAPPURAM DISTRICT, PIN - 676302 10 RAFEEQ K.P. S/O. IBRAHIMKUTTY, OOTILANTEPURACKAL HOUSE, EDAKADAPPURAM, TANUR P.O., MALAPPURAM 11 NAJUMU .M W/O. MOIDEEN KOYA, MULLAKANEEKATH HOUSE, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 12 NARAYANAKUTTY.T S/O. APPUKUTTY, THARAYIL HOUSE, NEDUVA P.O., PARAPPANANGADI, MALAPPURAM DISTRICT, PIN - 676303 13 IBRAHIM.K S/O. MOIDEENKUTTY, KALATHIL HOUSE, TANUR POST, (VIA) KATTILANGADI, TANUR, MALAPPURAM BY ADVS. HARISH R. MENON, SC, TANUR MUNICIPALITY ELVIN PETER P.J. K.R.GANESH GOURI BALAGOPAL ABHIJITH.K.ANIRUDHAN SREELEKSHMI A.S. ANU JOSEPH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06.02.2024, ALONG WITH WP(C).25418/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE BASANT BALAJI
TUESDAY, THE 6TH DAY OF FEBRUARY 2024 / 17TH MAGHA, 1945
WP(C) NO. 25602 OF 2022 PETITIONER/S: 1 DEENADAYAL AGED 48

YEARS S/O. GANAPATHY, MEERASADANAM HOUSE, KATTILANGADY, TANUR P.O., MALAPPURAM DISTRICT., PIN - 676302 2 MUKESH V.P. AGED 33 YEARS S/O. VASUDEVAN, VALIYAPARAMBIL HOUSE, KATTILANGADY, TANUR P.O., MALAPPURAM DISTRICT., PIN - 676302 BY ADVS. C.M.MOHAMMED IQUBAL RAIHANATH T.H. RESPONDENT/S:

1 TANUR MUNICIPALITY TANUR P.O., MALAPPURAM DISTRICT, REPRESENTED BY ITS SECRETARY, PIN - 676302 2 THE SECRETARY TANUR MUNICIPALITY, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 3 TANUR MUNICIPAL COUNCIL TANUR MUNICIPALITY, TANUR P.O., MALAPPURAM DISTRICT, REPRESENTED BY ITS CHAIRMAN, PIN - 676302 4 SHAMSUDEEN K. S/O. MOHAMMED ABDUL KADER, KAIJIRAJYARAKATH HOUSE, TANUR P.O., MALAPPURAM 5 SHAMSUDEEN S/O. JAFFER MUSALIAR, PANATTIL HOUSE, PANANGATTUR P.O., PARIYAPURAM, MALAPPURAM 6 IRSHAD K.P. S/O. ISMAIL, KACHEENTEPURAKKAL HOUSE, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 7 VISAKHAN T. S/O. SEKHARAN, TAILAPARAMBIL HOUSE, CHIRAKKAL, TANUR, MALAPPURAM DISTRICT, PIN - 676302 8 RAFEEQ K.P. S/O. IBRAHIMKUTTY, OOTILANTEPURACKAL HOUSE, EDAKADAPPURAM, TANUR P.O., MALAPPURAM

9 NAJUMU M. W/O. MOIDEEN KOYA, MULLAKANEEKATH HOUSE, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 10 VINEESH P. PERALIPATTU HOUSE, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 11 ANOOP KUMAR V. VARIYATH KALATHINGAL HOUSE, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 12 NARAYANANKUTTY T. S/O. APPUKUTTY, THARAYIL HOUSE, NEDUVA P.O., PARAPPANANGADI, MALAPPURAM DISTRICT, PIN - 676303 13 IBRAHIM K. S/O. MOIDEENKUTTY, KALATHIL HOUSE, TANUR POST, (VIA) KATTILANGADI, TANUR, MALAPPURAM 14

SUNITHA KUMARI S. POOKKAYIL BAZAR, POOKKAYIL P.O., TIRUR, MALAPPURAM DISTRICT, PIN - 676107 15 RENUKA K.V. PULIYERI HOUSE, TANUR P.O., MALAPPURAM 16 BINDULEKHA R CHITHRALAYAM, TANUR P.O., MALAPPURAM 17 VASU C.T. CHAMMEL THARAMMAL HOUSE, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 18 REJULA E.K. KAPPIKUNNUMMAL HOUSE, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 BY ADV HARISH R. MENON, SC, TANUR MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06.02.2024, ALONG WITH WP(C).25418/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE BASANT BALAJI
TUESDAY, THE 6TH DAY OF FEBRUARY 2024 / 17TH MAGHA, 1945
WP(C) NO. 35716 OF 2022 PETITIONER/S: BINDHU.N.V AGED 40
YEARS W/O. SURESH, NAYAR VEETIL, TRITHALLUR, PURATHUR,
PRESENTLY RESIDING AT THEKKEPURATH HOUSE,
SCHOOLPADY, PARIYAPURAM P.O., TANUR, MALAPPURAM
DISTRICT, PIN - 676302 BY ADV C.M.MOHAMMED IQUABAL
RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY THE SECRETARY TO
FINANCE DEPARTMENT, GOVERNMENT OF
KERALA,GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001 2 THE EMPLOYMENT OFFICER, TOWN EMPLOYMENT
EXCHANGE, TIRUR P.O., MALAPPURAM DISTRICT, PIN - 676101 3
TANUR MUNICIPALITY TANUR P.O., MALAPPURAM DISTRICT,
REPRESENTED BY ITS SECRETARY., PIN - 676302 4 THE
SECRETARY TANUR MUNICIPALITY, TANUR P.O., MALAPPURAM
DISTRICT, PIN - 676302 5 TANUR MUNICIPAL COUNCIL TANUR

MUNICIPALITY, TANUR P.O., MALAPPURAM DISTRICT, REPRESENTED BY ITS CHAIRMAN., PIN - 676302 6 SHAMSUDEEN.K S/O. MOHAMMED ABDUL KADER, KAIJIRAJYARAKATH HOUSE, TANUR P.O., MALAPPURAM 7 SHAMSUDEEN S/O. JAFFER MUSALIAR, PANATTIL HOUSE, PANANGATTUR P.O., PARIYAPURAM, MALAPPURAM 8 IRSHAD K.P. S/O. ISMAIL, KACHEENTEPURAKKAL HOUSE, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 9 VISAKHAN .T S/O. SEKHARAN, TAILAPARAMBIL HOUSE, CHIRAKKAL, TANUR, MALAPPURAM DISTRICT, PIN - 676302

10 RAFEEQ K.P. S/O. IBRAHIMKUTTY, OOTILANTEPURACKAL HOUSE, EDAKADAPPURAM, TANUR P.O., MALAPPURAM 11 NAJUMU.M W/O. MOIDEEN KOYA, MULLAKANEEKATH HOUSE, TANUR P.O., MALAPPURAM DISTRICT, PIN - 676302 12 NARAYANANKUTTY.T S/O. APPUKUTTY, THARAYIL HOUSE, NEDUVA P.O., PARAPPANANGADI, MALAPPURAM DISTRICT, PIN - 676303 13 IBRAHIM .K S/O. MOIDEENKUTTY, KALATHIL HOUSE, TANUR POST, (VIA) KATTILANGADI, TANUR, MALAPPURAM BY ADV HARISH R. MENON, SC, TANUR MUNICIPALITY

OTHER PRESENT: ADV K. R GANESH THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06.02.2024, ALONG WITH WP(C).25418/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

(Dated this the 6th day of February 2024) [WP(C) Nos.25418/2022, 28539/2022, 25602/2022 and 35716/2022] All these Writ Petitions were heard together and disposed of by a common judgment since the issues arising in all these Petitions are one and the same.

2. For a proper consideration of the Writ Petitions, the

facts in W.P.(C) 25418 of 2022, are stated below:

The petitioners in W.P.(C) Nos. 25602 and 25418 of 2022 are working as contingent sanitary workers in the 1st respondent municipality for the last so many years. The petitioners in W.P.(C) Nos.28539 and 35716 of 2022 are sponsored by the Employment Exchange to the 3rd respondent Municipality to the post of sanitation works. They were sponsored by the Employment Exchange on the request of the 3rd respondent Municipality.

3. As far as the petitioners in the W.P.(C) Nos.25418 and

25602 of 2022 are concerned they approached this court by filing W.P.(C) Nos. 22050 of 2022 as well as 22050 of 2022 and this court by Ext.P8 judgment disposed of the Petitions as follows:

Having considered the contentions advanced and in view of the fact that the petitioners are admittedly working as contingent sanitary workers in the Municipality, I am of the opinion that they should also be considered for appointment to the post of permanent sanitary workers in the Municipality. In the above view of matter, there will be a direction to the respondents to permit the petitioners also to participate in the selection process and in case they are found suitable, their claim for appointment shall also be duly considered.

4. Pursuant to the directions of this court, all the

petitioners in the Petitions were allowed to participate in the selection process and Ext.P11 rank list was drawn which includes a separate list of the persons who have been allowed as per the directions of this court. On the basis of Ext.P11, Ext.P10 minutes was approved by the Municipality. Therefore, the petitioners approached this court for quashing Ext.P10 Minutes of the Municipality and for a direction to permit the petitioners to continue in service and to take steps for regularisation in service.

5. A counter affidavit is filed by respondent Nos.1 to 3,

denying all the contentions raised in the Writ Petitions. It was contended that the petitioners have no locus standi to file the petition. It is true that they have approached this court and obtained orders seeking direction to these respondents to allow them to participate in the selection process. In compliance with the directions, they were allotted to participate in the interview on 21st to 23rd July 2022. The selection committee consists of the Chairman of the Municipal Council, the Standing Committee Chairman, the Secretary, and the Health Inspector. Out of 118 participants 15 persons were selected by the selection committee based on their experience, native resident, physical fitness, financial status (APL or BPL), literary etc. The committee strictly followed the principles of natural justice and through a transparent process, the rank list was drawn. There is no bias or arbitrariness in the selection process. A rank list was drawn for the general category as well as Muslim, EWS, ETB, Ezhava, SIUC, Nadar OBC, Dhivara, SC, STB, and also those who obtained orders from this court.

6. A counter affidavit is filed on behalf of respondent Nos.10, 11, and 14 to 18.

7. The primary contention raised by the petitioners is that

though this court permitted the petitioners in WPC Nos.25418 and 25602 of 2022, the respondents 4 to 18 who have obtained orders from this court as per Ext.P9, were included in the rank list and none of the petitioners were included, which shows that the selection was not transparent. The persons who were sponsored by the Employment Exchange were also not included in the rank list except for few persons in order to fulfill the required communal reservation.

8. It is to be noted that the petitioners have only

challenged the decision of the Municipality and not the rank list. Ext.P11 rank list is drawn up after a selection process by giving marks to each of the candidates which is evident from the rank list itself. The selection was conducted by a selection committee which consisted of 5 persons. The committee evaluated each of the candidates and awarded marks, and Ext.P11 rank list was drawn. Unless and until the rank list is challenged, these petitions cannot be sustained. The contention raised by the petitioners is that the seniority of the petitioners who were

working in the Municipality was not given weightage.

9. The counsel for the respondents relied on paragraph No.18 of the judgment of the apex court in *State of Orissa and another v. Mamata Mohanty* (2011 KHC 4118), which reads as follows:

18. APPOINTMENT / EMPLOYMENT WITHOUT ADVERTISEMENT: At one time this Court had been of the view that calling the names from employment Exchange would curb to certain extent the menace of nepotism and corruption in

public employment. But, later on, came to the conclusion

that some appropriate method consistent with the requirements of Art. 16 should be followed. In other words there must be a notice published in the appropriate manner calling for applications and all those who apply in response thereto should be considered fairly. Even if the names of candidates are requisitioned from Employment Exchange, in addition thereto it is mandatory on the part of the employer to invite applications from all eligible candidates from the open market by advertising the vacancies in newspapers having wide circulation or by announcement in Radio and Television as merely calling the names from the Employment Exchange does not meet the requirement of the said Article of the Constitution. (Vide: *Delhi Development Horticulture Employees Union v. Delhi Administration, Delhi and Others*, AIR 1992 SC 789; *State of Haryana and Others v. Piara Singh and Others*, AIR 1992 SC 2130; *Excise Superintendent Malkapatnam, Krishna District, A. P. v. K.B.N. Visweshwara Rao and Others*, 1996 (6) SCC 216; *Arun Tewari and Others v. Zila Mansavi Shikshak Sangh and Others*, AIR 1998 SC 331; *Binod Kumar Gupta and Others v. Ram Ashray Mahoto and Others*, AIR 2005 SC 2103; *National Fertilizers Ltd. and Others v. Somvir Singh*, AIR 2006 SC 2319; *Telecom District Manager and Others v. Keshab Deb*, 2008 (8) SCC 402; *State of Bihar v. Upendra Narayan Singh and Others*, 2009 (5) SCC 65; and *State of Madhya Pradesh and Another v. Mohd. Ibrahim*, 2009 (15) SCC 214).

10. It was held *Tajvir Singh Sodhi v. State (UT of J&K)*, (2023 SCC online SC 344) as follows.

66. Thus, the inexorable conclusion that can be drawn is

that it is not within the domain of the Courts, exercising the power of judicial review, to enter into the merits of a selection process, a task which is the prerogative of and is within the expert domain of a Selection Committee, subject of course to a caveat that if there are proven allegations of malfeasance or violations of statutory rules, only in such cases of inherent arbitrariness, can the Courts intervene.

67. Thus, Courts while exercising the power of judicial

review cannot step into the shoes of the Selection Committee or assume an appellate role to examine whether the marks awarded by the Selection Committee in the viva- voce are excessive and not corresponding to their performance in such test. xxxxxx xxxxxx

68. xxxxxxxxxxxxxx

69. It is therefore trite that candidates, having taken

part in the selection process without any demur or protest, cannot challenge the same after having been declared unsuccessful. The candidates cannot approbate and reprobate at the same time. In other words, simply because the result of the selection process is not palatable to a candidate, he cannot allege that the process of interview was unfair or that there was some lacuna in the process. Therefore, we find that the writ petitioners in these cases, could not have questioned before a Court of law, the rationale behind recasting the selection criteria, as they

willingly took part in the selection process even after the criteria had been so recast. Their candidature was not withdrawn in light of the

amended criteria. A challenge was thrown against the same only after they had been declared unsuccessful in the selection process, at which stage, the challenge ought not to have been entertained in light of the principle of waiver and acquiescence. xxxxxxxxxxxx.

Xxxxxxxxxx Xxxxxxxxxx

86. This Court has upheld the legitimacy of conducting

interviews as a part of a selection process, even where marks earmarked for the same has been found to be prima- facie excessive, vide Minor A. Peeriakaruppan v. State of Tamil Nadu, (1971) 1 SCC 38; Miss Nishi Maghu v. State of J & K, (1980) 4 SCC 95.

87. This Court in Lila Dhar v. State of Rajasthan,

(1981) 4 SCC 159 : AIR 1981 SC 1777 made the

following pertinent observations as to the importance of a viva-voce or interview in a selection process: It is now well recognised that while a written examination assesses a candidates knowledge and intellectual ability, an interview test is valuable to assess a candidates overall intellectual and personal qualities. While a written examination has certain distinct advantage over the interview test there are yet no written tests which can evaluate a candidates initiative, alertness, resourcefulness, dependableness,

cooperativeness, capacity for clear and logical presentation, effectiveness, in discussion, effectiveness in meeting and dealing with others, adaptability, judgment, ability to make decision, ability to lead, intellectual and moral integrity. Some of these qualities may be evaluated, perhaps with some degree of error, by an interview test, much depending on the Constitution of the interview Board.

88. The criteria for evaluation of a candidates

performance in an interview may be diverse and some of it may be subjective. However, having submitted to the interview process with no demur or protest, the same cannot be challenged subsequently simply because the candidate's personal evaluation of his performance was higher than the marks awarded by the panel. XXXXX

Therefore, it is a settled proposition of law that this court cannot substitute the wisdom in awarding the marks to the candidates who were unsuccessful in the Ext.P11 rank list. Accordingly, these Writ Petitions are only to be dismissed and ordered so. Sd/-BASANT BALAJI JUDGE dl/ APPENDIX OF WP(C) 28539/2022
PETITIONER EXHIBITS Exhibit P1 THE TRUE COPY OF THE IDENTITY CARD OF THE 3RD

PETITIONER DATED 02.03.2020 Exhibit TRUE COPY OF THE IDENTITY CARD OF THE 4TH P1(a) PETITIONER DATED 12.12.2002 Exhibit P2 THE TRUE COPY OF THE NOTICE ISSUED BY 2ND RESPONDENT DATED 12.05.2022 Exhibit P3 THE TRUE COPY OF THE NOTICE ISSUED BY THE MUNICIPALITY TO THE 1ST PETITIONER DATED 17.06.2022 Exhibit THE TRUE COPY OF THE NOTICE ISSUED BY THE P3(a) MUNICIPALITY TO THE 2ND PETITIONER DATED 17.06.2022 Exhibit THE TRUE COPY OF THE NOTICE ISSUED BY THE P3(b) MUNICIPALITY TO THE 3RD PETITIONER DATED 17.06.2022 Exhibit THE TRUE COPY OF THE NOTICE ISSUED BY THE P3(c) MUNICIPALITY TO THE 4TH PETITIONER DATED 17.06.2022 Exhibit P4 THE TRUE COPY OF THE JUDGMENT IN W.P.(C). NO. Exhibit P5 THE TRUE COPY OF THE RELEVANT PAGES OF THE DECISION OF THE 5TH RESPONDENT DATED 03.08.2022 Exhibit P6 THE TRUE COPY OF THE SANITARY WORKERS' INTERVIEW TABULATION CHART AND RANK LIST Exhibit P7 THE TRUE COPY OF THE CIRCULAR OF THE 1ST RESPONDENT DATED 08.07.2022

RESPONDENT EXHIBITS Exhibit R6A TRUE PHOTOCOPY OF THE ORDER NO.H1-10266/17 DATED 15.12.2017 ISSUED BY THE 3RD RESPONDENT MUNICIPALITY. Exhibit R6 B TRUE PHOTOCOPY OF THE NOTE DATED 8.4.2021 ISSUED BY THE HEALTH INSPECTOR GRADE-1 OF THE 3RD RESPONDENT MUNICIPALITY. Exhibit R6 C TRUE PHOTOCOPY OF THE ORDER DATE 31.1.2020 ISSUED BY THE CHAIRPERSON OF THE 3RD RESPONDENT MUNICIPALITY. Exhibit R6 D TRUE PHOTOCOPY OF THE RESOLUTION NO.1 DATED 28.6.2021 OF THE 3RD RESPONDENT MUNICIPALITY. Exhibit R6 E TRUE PHOTOCOPY OF THE COMMUNICATION DATED 19.4.2022 ISSUED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT. Exhibit R6 F TRUE PHOTOCOPY OF THE JUDGMENT DATED 21.8.2019 IN WPC NO.16239/2019 OF THIS HON'BLE COURT. APPENDIX OF WP(C) 25602/2022 PETITIONER EXHIBITS Exhibit-P1 THE TRUE COPY OF THE CERTIFICATE ISSUED BY THE

MUNICIPALITY TO THE 1ST PETITIONER DATED 23.06.2022 Exhibit-P2 THE TRUE COPY OF THE CERTIFICATE ISSUED BY THE MUNICIPALITY TO THE 2ND PETITIONER DATED 23.06.2022 Exhibit-P3 THE TRUE COPY OF THE IDENTITY CARD OF THE 2ND PETITIONER ISSUED BY THE 1ST RESPONDENT Exhibit-P4 THE TRUE COPY OF THE IDENTITY CARD ISSUED BY TIRUR EMPLOYMENT EXCHANGE TO THE 1ST PETITIONER Exhibit-P5 THE TRUE COPY OF THE IDENTITY CARD ISSUED BY TIRUR EMPLOYMENT EXCHANGE TO THE 2ND PETITIONER Exhibit-P6 THE TRUE COPY OF THE COMMUNICATION ISSUED BY THE MUNICIPALITY TO ONE VINOD KUMAR P., S/O. SUBRAMANIYAN DATED 17.06.2022 Exhibit-P7 THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT DATED 27.06.2022 Exhibit-P8 THE TRUE COPY OF THE JUDGMENT IN W.P.(C). NO. Exhibit-P9 THE TRUE COPY OF THE JUDGMENT IN W.P.(C). NO. Exhibit10 THE TRUE COPY OF THE DECISION OF 3RD RESPONDENT DATED 03.08.2022 ExhibitP11 THE TRUE COPY OF THE SANITARY WORKERS'

INTERVIEW TABULATION CHART AND RANK LI

RESPONDENT EXHIBITS Exhibit A TRUE COPY OF THE DECISION NO.12 DATED R1(a) 03/03/2022 OF THE MUNICIPAL COUNCIL OF TANUR MUNICIPALITY. Exhibit THE TRUE COPY OF THE PROCEEDINGS, APPOINTING R1(b) SELECTION COMMITTEE MEMBERS. APPENDIX OF WP(C) 35716/2022 PETITIONER EXHIBITS Exhibit P1 THE TRUE COPY OF THE NOTICE ISSUED BY 2ND

RESPONDENT DATED 12.05.2022 Exhibit P2 THE TRUE COPY OF THE NOTICE ISSUED BY THE MUNICIPALITY TO THE PETITIONER DATED 17.06.2022 Exhibit P3 THE TRUE COPY OF THE JUDGMENT IN W.P.(C). NO. Exhibit P4 THE TRUE COPY OF THE RELEVANT PAGES OF THE DECISION OF THE 5TH RESPONDENT DATED 03.08.2022 Exhibit P5 THE TRUE COPY OF THE SANITARY WORKERS' INTERVIEW TABULATION CHART AND RANK LIST Exhibit P6 THE TRUE COPY OF THE CIRCULAR OF THE 1ST RESPONDENT DATED 08.07.2022

APPENDIX OF WP(C) 25418/2022 PETITIONER EXHIBITS Exhibit P1 THE TRUE COPY OF THE ORDER ISSUED BY THE 2ND

RESPONDENT DATED 28.11.2018 Exhibit P2 THE TRUE COPY OF THE REPORT OF THE 2ND RESPONDENT DATED 01.12.2018 Exhibit P3 THE TRUE COPY OF THE DISCHARGE CERTIFICATE ISSUED BY THE 2ND RESPONDENT TO THE 1ST PETITIONER DATED 04.06.2019 Exhibit P4 THE TRUE COPY OF THE NOTICE ISSUED TO ONE VINOD KUMAR P., S/O. SUBRAMANIYAN DATED 17.06.2022 Exhibit P5 THE TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT TO THE 1ST PETITIONER DATED 17.06.2022 Exhibit P6 THE TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT TO THE 2ND PETITIONER DATED 17.06.2022 Exhibit P7 THE TRUE COPY OF THE ORDER ISSUED BY THE 2ND

RESPONDENT TO THE 3RD PETITIONER DATED 17.06.2022 Exhibit P8 THE TRUE COPY OF THE JUDGMENT IN W.P.(C). NO. Exhibit9 THE TRUE COPY OF THE JUDGMENT IN W.P.(C). NO. Exhibit P10 THE TRUE COPY OF THE DECISION OF 3RD RESPONDENT DATED 03.08.2022 Exhibit P11 THE TRUE COPY OF THE SANITARY WORKERS' INTERVIEW TABULATION CHART AND RANK LIST

RESPONDENT EXHIBITS Exhibit TRUE COPY OF THE DECISION NO. 12 DATED 03/03/2022 R1(A) OF THE MUNICIPAL COUNCIL OF TANUR MUNICIPALITY Exhibit TRUE COPY OF THE PROCEEDINGS, APPOINTING R1(B)T SELECTION COMMITTEE MEMBERS EXHIBIT R4 TRUE COPY OF THE ORDER NO.H1-10266/2017 DATED

(a) 15.12.2017 ISSUED BY THE 1ST RESPONDENT

MUNICIPALITY EXHIBIT TRUE COPY OF THE NOTE DATED 08.04.2021 ISSUED BY R4(b) THE HEALTH INSPECTOR GRADE -1 OF THE 1ST RESPONDENT MUNICIPALITY EXHIBIT R4 TRUE COPY OF THE ORDER DATED 31.01.2020 ISSUED BY

(c) THE CHAIRPERSON OF THE 1ST RESPONDENT MUNICIPALITY EXHIBIT R4 TRUE COPY OF THE RESOLUTION NO.1 DATED 28.06.2021

(d) OF THE 1ST RESPONDENT MUNICIPALITY

EXHIBIT TRUE COPY OF THE COMMUNICATION DATED 19.04.2022 R4(e) ISSUED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT EXHIBIT TRUE COPY OF THE JUDGMENT DATED 21.08.2019 IN R4(f) WP(C) NO. 16239/2019 OF THIS COURT

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