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WA No. 286 of 2023

IN THE HIGH COURT of JUDICATURE AT MADRAS

DATED: 18-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

and

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 286 of 2023

and

CMP No. 2923 of 2023

1.Easwari
W/o. Saravanan
424, Housing Unit
V.K.K. Menan Road
New Siddhaputhur,
Coimbatore - 641 045.

2.Kanagamani
S/o. Veerappan
No. 50 Ramaswamy Devar Street,
Ramnathapuram,
Coimbatore - 641 045

3.B. Kowsalya,
W/o. Balasubramaniam
49, Sakthi Nagar 1st Street
Nallampalayam Road,
Ganapathy, Coimbatore.

4.R. Ranjith Kumar,
S/o. M. Ravindran
Old No. 51/5, New No. 41E,
CMC Colony Kamarajpuram,
R.S. Puram Post,
Coimbatore- 641012.

5.A. Saravanan



WA No. 286 of 2023



S/o. Arumugam
302, 10th Block, CMC Colony,
V.H. Road,
Coimbatore - 641 001.

6.K. Ravi Shankar
S/o. Kumar
C, 60 M. G. R. Nagar,
Madhukarai Main Road,
Sidco Coimbatore- 21.

7.M. Moulidharan
S/o. A. Murugesan
C. 14, Housing Unit
S.H. Colony South Ukkadam
Coimbatore- 641 001

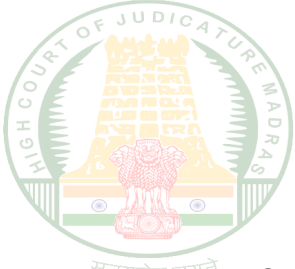
8.R. Jai Krishnan
S/o. Rathinam
125, CMC Colony V.H. Road
Coimbatore- 641 001.

9.A. Loganathan
S/o. Anburaj
147, Madurai Veeran Kovil
Back Side, CMC Colony
South Ukkadam, Coimbatore- 641 001

10.N. Ramkumar
S/o. Nagaraj
155E/Na, CMC Colony
Kamarajapuram, R.S. Puram Post
Coimbatore- 641-002.

11.N. Salamon Raja
S/o. Naththtnavel
520A VKK Menon Road,
Siddhappur, Coimbatore 641 044.

..Appellant(s)



Vs

1.The Chief Secretary Government of Tamilnadu,
Secretariat
St.George Fort,
Chennai.

2.Secretary to Government
Labor and Welfare Department,
Secretariat
St.George Fort,
Chennai.

3.Principal Secretary to Government
Adi Dravidar Welfare and Hill Tribble Labor welfare,
Secretariat
St.George Fort,
Chennai.

4.The Additional Chief Secretary
Government of Tamilnadu,
Secretariat
St.George Fort,
Chennai

5.The District Collector
O/o. The Coimbatore Collector Office,
Coimbatore.

6.The Commissioner of Corporation
O/o. The Coimbatore Corporation,
Coimbatore - 641 001.

7.Maheshwari
D/o Sanmugam,
4/7, Mancha thottam,
Okkilipalayam, Oththakal Mandapam Post,
Coimbatore 641032

8.R.Sakthivel
S/o Ramalingam,
394,Senthamizh Nagar,



Sugunapuram Post,
Kuniyamuthur,
Coimbatore

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9.S.Rojarani
D/o A,Suresh,
10/T, Krishna Nagar Gandiji Street,
Podanur,
Coimbatore 641023

10.S.Akilandeswari
D/o Srinivasan
9/14 Maattukaara swamy Kovil Street.
Sugunapuram West.
Kuniyamuthur, Coimbatore

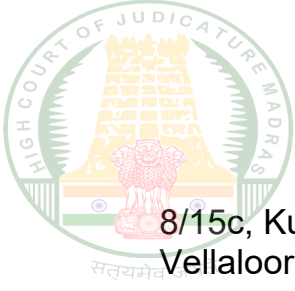
11.G.Durgadevi
D/o. P.Ganeshan,
6/104, Gandhi Colony,
Thennamanallur,
Coimbatore.641109

12.S.Buvana
D/o.G.Karuppusamy,
18/2, R.V.S. Nagar,
2nd Street, Varadaraja Puram,
Coimbatore 641015

13.T.Kalai Selvi
H/o.Prabu,
180/194, Kallukuli,
Puliyakulam, Coimbatore 641045

14.N.Sakthivel
S/o Narayanasamy,
49, Charch Street,
Idayarpalayam,
Kuniyamuthur Post, Coimbatore 641008

15.M.Prabakaran
S/o Maniyan,



8/15c, Kuppusamy Devar Street,
Vellaloor Coimbatore -111

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16.K. Jayapriya
D/o. Kannan
3/18, Silver Jublier Street,
Annna Nagar Kurichi
Sundarapuram Post
Coimbatore- 641 024

17.M. J. Sugantha Priyan
S/o. M. Jaganathan
3/65, V.K.V.Nagar, N.G.G.O. Colony
Coimbatore- 22.

18.C. Selvaraj
S/o. Chinnasamy
10/9, Harijana Colony, Vellaerukkam Palayam,
Narasimapuram, Thondamuthur
Coimbatore .

19.T. Nivatha
D/o. K. Dharmalingam
50A, Mariappa konar Street
Podanur, Coimbatore -23.

20.A. Sakthi Kavitha
W/o. Arunachalam
21, Sabari Nagar Udaiyampalayam
Chinnavadampatti, Coimbatore-49

21.K. Priya
S/o. Kannayan
3/80, Chinnapathy Navakarai Post
Madhukarai via, Coimbatore -105

22.R. Sandhiya
S/o. A. Rajendran
29A, Dr. Abdulkalam Street,
Sugunamill, opposite
Sugunapuram, Coimbatore- 8.



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23.S. Sandhiya
D/o. Subramaniam
19A, Periyar Nagar, Ganapathy
Coimbatore-6.

24.B. Divya
D/o. P.K. Babu
147/7, Balamurugan Kovil Street,
Sugunapuram, East Coimbatore.

25.T. Ragaraj
S/o. Thekkamalai
6A/14, Nehru 1st Street
CMS School Back Side
Ganapathy, Coimbatore- 6.

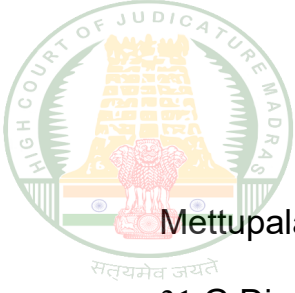
26.K. Kowsalya
H/o. K. Suresh Kumar
36/8, Badrakaliaman Kovil Street,
B.K. Pudur, Kuniyamuthur, Coimbatore-8.

27.K. Madesh S/o. Kanakaraj
9, Arijanagounder street ,
KulathuPalayam Kovai Pudur
Coimbatore-42.

28.T.Vignesh
S/o Thangavel
22, cross cut road 2nd rice mill road
Kuniyamuthur, Coimbatore.8.

29.S.P.R.Vignesh
S/o P.Rajendran
31, Vashantham Nagar
Kovaipudur pirivu
Kuniyamuthur post , Coimbatore.8

30.C.M.Vignesh kumar
S/O Muthukumar
209, 14th Street, Co-operative Colony



Mettupalayam, Coimbatore-641 301.

31.G.Divya,W/o. Sureshkumar
91/14 Oorgounder Thottam Street,
Kulaththupalayam
Kovaipudur Post, Coimbatore 641042

32.K.Vengatesh S/O.Kanagaraj
9/31 Vinayagar Kovil Street
Sugunapuram
Kuniyamuthur, Coimbatore 641008

33.R.Dhanalakshmi
1/172, Old Post Office Street
Kangaiyempalayam, Sulur, Coimbatore 641401

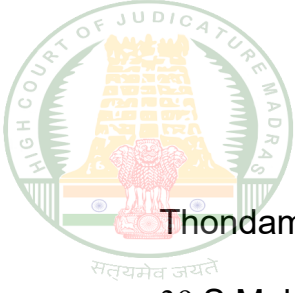
34.P.Indhumani
D/O N.Palanisamy
16/2 Servaikaaran Street
Sundakkamuthur, Coimbatore -64101.

35.R.Keerthika
D/O.Rangasamy
11/1 Oorgounder Street
Pungagounder Pudur
Ettimadai,Coimbatore -641105.

36.N.Nandhini
D/o. M.Nagaraj
2/23 maariamman Kovil Street
Karadimadai ,Coimbatore -641101.

37.N.Geetha
D/O Nagaraj
6/51 Krishnasamy Nagar
Narasimma Puram Kuniyamuthur
Coimbatore 641008

38.Vinodhkumar
S/O Aaruchamy
12/16 Thiruvalluvar Street



Thondamuthur, Coimbatore

39.S.Maheshwaran
S/O N.Subramaniyan
16,Rangasamy Nagar
Kovaipudur, Coimbatore 641043.

40.T.Harsharaj
104, 2nd Street
Ponnaiyarapuram
Coimbatore 641001.

41.K.Dhamodharan
S/o Kanakaraj
2/44, Chinna Thambi Gounder Street
Srinivasapuram
Aalandurai
Coimbatore 641101.

42.S.Chandrakumar
S/O M.Sundaram
29f 2, Vijay Residency
Kamarajar Street
K.R.P.G. Nagar ,T.Kottampatti
Pollachi 2.

43.K.Ajithkumar
S/o T.Krishnakumaaran
13/159, Kadai veethi
Madukkarai, Coimbatore.

44.S.Sarankumar
S/o Sampathkumar
7/96 Netaji puram
K.K.Chavadi
Ettimadai
Coimbatore 641105

45.M.Aasha Banu
D/o E.Meermohamed
5/13 V.P.C. Nagar,



Idayarpalayam,
Kuniyamuthur
Coimbatore 641008

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46.S.Seiyathu Sameer
S/o Salim Abdul Rashack
3, Raajagopal nagar,
Kuniyamuthur
Coimbatore 641008.

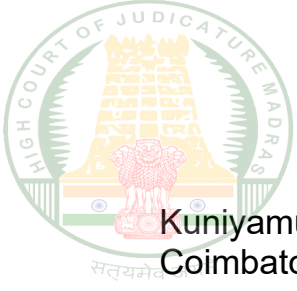
47.S.Kaaviya
D/o Selvaraj
8a Pallikooda Street,
Raamachettipalayam,
Coimbatore 641010.

48.P.Sandiya
D/oPremanandan,
136, M,j, Villa,
R,K,K, Nagar,
N,K, Paalayam,
Singanallur,
Coimbatore 641033

49.H.Sabana
D/o Hameeth,
36/2 Periyar nagar,
Kamarajar Street,
Avinashilingam Post,
Coimbatore

50.A.Sajaarudeen
S/o N.Abdulvahap,
Thippu Nagar 3rd Street,
Saramedu,
Karumbukkadai,
Coimbatore.64108

51.P.S.Sabana Begam
D/o Haheel Ahamed,
28, Thirumoorthy Nagar,



WA No. 286 of 2023

Kuniyamuthur,
Coimbatore.

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52.R.Ramesh
S/o K.Ragupathi,
45a Ganga Nagar 1st Street,
Kuniyamuthur,
Coimbatore

53.Y.Isack Samuveluraj
S/o I.Yovaan,
7/7, Sugunapuram East,
Kuniyamuthur Post,
Coimbatore 641008

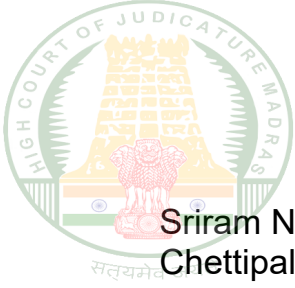
54.A,H, Thaariq Hussain
S/o A.M.Hithayaththulla,
142, Subbramaniya swamy Kovil Street,
Kottaimedu
Coimbatore 641001

55.J.Satheesh
S/o P.Jeganathan,
13c, Venkatesha puram,
Perur,
Coimbatore 641010

56.S.Mohankumar
S/o V.Selvaraj,
7a, Radharaam Nagar,
Raamachettipalayam,
Sundakkamuthur Post,
Coimbatore 641010

57.M.Ashwin
S/o Madanagopal.,
89, Muthusami Thevar Street,
Kuniyamuthur, Coimbatore

58.T. Raamamoorthy
S/o Thangamani,



Sriram Nagar, 8th Street,
Chettipalayam Road,
Podanur,
Coimbatore 641023

59.N.Jeyaprakash
S/o K.Nandakumar,
74a, Itteri Street,
Sugunapuram East,
Kuniyamuthur, Coimbatore.

60.P.Mohanappriya
D/o. Praburam,
West Street, Matthi Playam,
Thenkarai, Alandurai,
Coimbatore - 101

61.M. Jayaseeli Josephine
D/o. Michelsamy
243/26, Sripathy Nagar
Extension, Nanjundapuram Post
Ramnathapuram,
Coimbatore- 641 1045

62.A.Suresh,
S/o.Ayyaswamy, 23, E.V.K.K.Main Road, New
Siddhapudur, Coimbatore 641044.

63.R.Anandan,
S/o.Ramaswamy, 247E/521A, V.K.K.Main Road,
New Siddhapudur, Coimbatore 641044.

64.B.Gopinath,
S/o.S.Bagavathy, 265/9, CMC Colony, V.H.Road,
Coimbatore 641001.

65.N.Karthikeyan,
S/o.C.Nagarajan, 328, 10th Block, CMC Colony,
V.H.Road, Coimbatore 641001.



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66.M.Ganesh,
S/o.Marimuthu, 421, 13th Block,
CMC Colony, V.H.Road, Coimbatore 641001.

67.S.Manikandan,
S/o.Subramaniyan, 271, G Block, V.K.K.Main
Road, New Siddhapudur, Coimbatore 641044.

68.J.Bhuvaneswari,
S/o.Jegadeesan, 14-E, Mattasalai Murugan Kovil
Street, Back side, S.H.Road, South Ukkadam,
Coimbatore 641 001.

69.P.Rajesh Kumar,
S/o.Palanisamy, 176/14, CMC Colony South
Ukkadam, Coimbatore 641001.

70.K.Mahendran,
S/o.Kumaaran, C5, Housing Unit, S.H.Colony,
South Ukkadam, Coimbatore 641001.

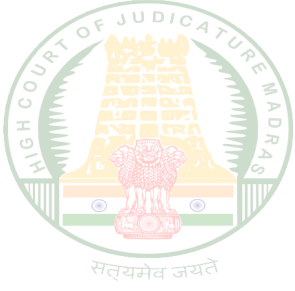
71.R.Nagendran,
102, CMC Colony, Souht Ukkadam,
Coimbatore 641001.

..Respondent(s)

Prayer: Appeal filed under clause 15 of Letters Patent to set aside the
impugned order dated 25.01.2023 passed in W.P.No. 27298 of 2021,
consequently allow the said Writ Petition.

For Appellant(s):	Mr.E.Om Prakash, Senior Counsel for Mr.K.J.Shiva Arudhra
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For Respondent(s):	Mr.S.Silambanan, Senior Counsel for Mr.K.Magesh for R6
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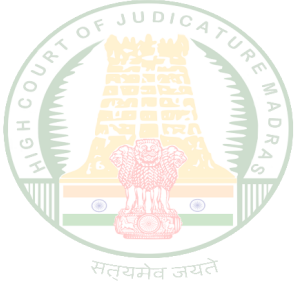
Mr.M.S.Krishnan,
Senior Counsel for
Mr.A.P.Balaji for R8 to 11, 13 to 18, 21,
23, 24, 26 to 29, 31, 32, 35 to 45, 47, 48,
50 to 56, 59 & 60,

No Appearance for R1 to R5, 7, 12, 19, 20,
22, 25, 30, 33, 34, 46, 49, 57, 58, 61 to 71.

Judgment

(Judgment of the Court was delivered by S.M.Subramaniam J.)

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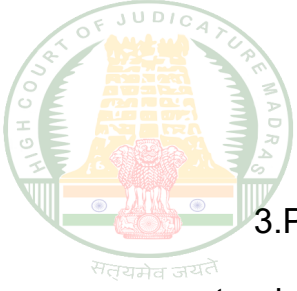
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Under assail is the order dated 25.01.2023 passed in W.P.No.27298 of 2021.

First Appellant is the Writ petitioner and Appellants 2 to 11 are the Respondents 61, 63, 65, 67, 69, 72, 76, 79, 80 and 81 respectively in the impugned Writ Order.

I. MAINTAINABILITY OF THE WRIT PETITION:

2.The respective Learned Senior Counsels appearing on behalf of the respondents at the first instance would raise the issue of maintainability of the Writ Petition, mainly on the ground that the 1st appellant/petitioner as well as other appellants have no *locus standi* to file the Writ Petition. The 1st appellant/petitioner as well as other appellants have not participated in the process of selection for appointment to the post of Junior Assistant. 1st appellant/petitioner is an employee of Coimbatore Corporation serving in the cadre of Sanitary Worker. Her promotion orders are not under challenge. Therefore the 1st appellant/petitioner has no locus standi to maintain a Writ Petition. As an employee of Corporation, she cannot challenge the selection process made to the post of Junior Assistant.



3.Per contra, the learned Senior counsel for the appellants would contend that the 1st appellant/petitioner is serving as a Sanitary Worker in Coimbatore Corporation. However the Service rule provides method of appointment whereby 2:1 ratio has been fixed, accordingly two posts are to be filled by way of direct recruitment and one post is to be filled by way of promotion, from amongst the eligible employees serving in Coimbatore Corporation in Group IV services. Therefore, the fraud committed in the process of selection for appointment to the post of Junior Assistant deprived the in-service candidates of their opportunity for promotion as well as the chance to participate in the selection process as direct recruitment candidates. Since the illegalities and fraud in the selection resulted in larger repercussion of affecting the rights of the in-service candidates to participate in the process of selection, both under the direct recruitment category as well as under the promotion category, hence the Writ Petition is maintainable.

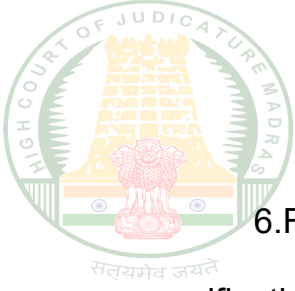
4.This court has considered the rival submissions in this aspect and found that the 1st appellant/ petitioner is serving as a Group IV employee. The Tamil Nadu Municipal Corporations General Subordinate Service Rules,1996 for Class III posts contemplates a ratio of 2:1 between direct recruitment and promotion for the post of Junior Assistant (Category 1 in Group III).



Pertinently, even an in-service candidate, who is otherwise qualified for appointment to the post of Junior Assistant may also participate in the process of selection. When an in-service candidate has got a choice to get promotion to the post of Junior Assistant and eligible to participate in the process of selection through direct recruitment, the Writ Petition filed by an in-service candidate working in Group IV category and aspiring to secure appointment or promotion to the post of Junior Assistant cannot be said to be an alien. Therefore, this court has no doubt regarding the locus standi of the 1st appellant/Writ Petitioner. Thus, the issue regarding maintainability is answered accordingly in favour of the Appellants.

II. BRIEF FACTS OF THE CASE:

5.The Commissioner Coimbatore Corporation vide Proceedings dated 18.09.2020, addressed a letter to the Employment Exchange to sponsor the eligible candidates for selection and appointment to the post of Junior Assistant. Simultaneously, a newspaper publication was made in daily newspaper "Makkal Kural and Malai Murasu" on 19.09.2020 and 11.01.2021. 69 vacancies in the cadre of Junior Assistant was notified. Applications are invited from eligible candidates. As per the Corporation 654 Applications were received from the open market and through district employment exchange. Last date for submission of application was 25.01.2021.



6. Five verification committees were constituted for conducting verification of certificates. All the 654 candidates were allowed to participate in the certificate verification process on 08.02.2021. However, 440 candidates participated in this process. On the same day, (ie.,) on 08.02.2021 the selection was finalised and a list of selected candidates was published and appointment order was also issued, appointing 54 candidates to the post of Junior Assistant. On the next day, viz., 09.02.2021 posting orders were issued. The 1st appellant/Petitioner collected certain details and found that no selection process was conducted which is in clear violation of the established principles and 54 candidates were appointed by way of favouritism and nepotism through fraudulent means. Thus instituted a writ proceedings challenging the appointment orders. The writ court dismissed the writ petition mainly on the ground that the appellant has no *locus standi* to maintain a writ petition since she had not participated in the process of selection nor she had submitted any application. She is working as a Sanitary Worker in the Corporation and therefore, she cannot challenge the selection for the post of Junior Assistant made by following the procedures. Challenging the said Writ order of dismissal, the present intra court appeal has been instituted under Clause 15 of Letters Patent.

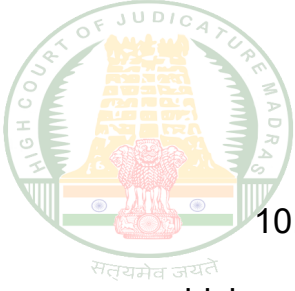
**III. SUBMISSIONS MADE ON BEHALF OF THE APPELLANTS:**

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7.The learned senior counsel Mr.E.Om Prakash appearing on behalf of the appellants would mainly contend that the entire process of selection vitiates on account of fraud and illegality. None of the procedures established were followed for selection and appointment of candidates. Right from the publication every further procedure followed are suspicious. To substantiate the said contentions he submits that even while verifying the paper publication viz., “Makkal Kural”, it is found that no publication was made on 11.01.2021 in Coimbatore edition. He also produced the original copy of the newspaper before this Court.

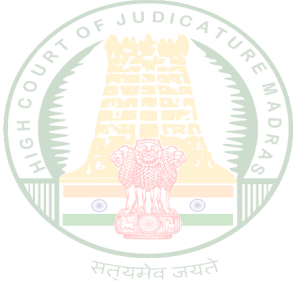
8.Equally another set of paper publication has been produced by the Coimbatore Corporation authorities, wherein the paper publication regarding the recruitment notification is available.

9.Relying on the controversy in this issue and the newspaper Makkal Kural is not widely circulated paper in the Coimbatore, the learned counsel for the appellants would submit that the publication effected itself is suspicious



10.To ascertain the correctness, this Court has perused the e-paper, which was enclosed by the appellants, wherein the recruitment notification is published on 11.01.2021. However, in the original newspaper circulated in public domain on 11.01.2021, no such recruitment notification is available. The corporation authorities have not clarified this aspect and there is a possibility of tampering the e-paper as well as the actual publication circulated in the public domain. Raising this ground the learned senior counsel would submit that publication itself is not in consonance with the principles established.

11.Secondly, he would contend that the post of Junior Assistant is Group “ III ” Category in Class III posts. The Corporation has put up a note on 04.02.2021 and the Commissioner approved the entire process of certificate verification and the appointment orders were issued on 08.02.2021. He would submit that five verification tables were constituted. 440 candidates appeared before this Committee. Selection list and appointment orders were issued on the same day. The Commissioner, Coimbatore Corporation also approved this verification process as well as the appointment orders on the same day on 08.02.2021. This raises a serious doubt regarding the entire process of appointments made.



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12.Thirdly, he would submit that on 09.02.2021, the posting orders were issued and all the 54 candidates joined in the post of Junior Assistant. The appointments made was not conducted by following the established principles. Thus, the entire selection is to be declared as null and void.

IV. SUBMISSIONS MADE ON BEHALF OF COIMBATORE CORPORATION:

13.The learned Senior Counsel Mr.S.Silambanan would submit that the process of selection was conducted in accordance with the procedures as contemplated. Applications received from the eligible candidates were scrutinised. Five committees were constituted for conducting interview. Out of 654 applications, 440 candidates appeared before the committee and the committee after conducting verification selected 54 candidates and consequently, selection list was published. The commissioner approved the selection list and appointment orders were issued. Thus the selection was conducted in accordance with the procedures as contemplated and there is no irregularities. As far as the 1st appellant/petitioner is concerned, she is an employee in Corporation and filed the Writ Petition with an ulterior motive. Her promotional opportunities will be considered, whenever a decision is taken for grant of promotion as per the seniority. She cannot be construed as an



aggrieved person and thus, the order passed by the Writ Court has to be affirmed.

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V. SUBMISSIONS MADE ON BEHALF OF THE SELECTED CANDIDATES:

14.Mr.M.S.Krishnan, learned senior counsel appearing on behalf of the selected candidates would submit that the Writ Petition *per se* is not maintainable. The 1st appellant/petitioner cannot be construed as an aggrieved person. She had not submitted application to participate in the selection process. She is an employee of corporation. Third party cannot challenge the order of appointment made in a selection process. Even in case of instituting a public interest litigation, the 1st appellant/petitioner may not be an aggrieved person, since she has not even submitted her application in pursuance to the recruitment notification. The learned Senior counsel relied upon catena of judgments to establish that the High Court has to exercise restraint in interfering with the selection process. Even in case of non availability of document, the High Court may not nullify the entire selection process since the result may have a cascading effect on the selected candidates, who are all appointed. He would submit line of judgments to show that the process of selection conducted in accordance with the rules need not be interfered with, merely at the instance of few unsuccessful candidates and in the present



case, none other than an employee of the corporation. Therefore, the Writ Appeal has to be rejected.

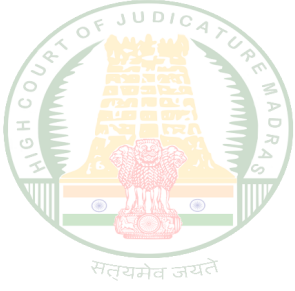
VI. LEGISLATION AND RULES GOVERNING RECRUITMENT PROCESS:

15. The Act governing the recruitment process at the relevant time was the **Coimbatore City Municipal Corporation Act, 1981**. **Section 106 (2) (c)** of the Act stipulates that *“every appointment to any post included in class III or class IV shall be made by the appointments committee consisting of the Mayor, the Commissioner and one member elected by the Council, which shall be established for the corporation.”*

16. **The Tamil Nadu Municipal Corporation Service Rules, 1996** was enacted commonly for separate Municipal Corporation Acts by exercising the powers conferred under those acts as comprehensive rules.

Rule 2(3) states that “Appointment Committee” means *“the Committee constituted by the Council under the Act for the purpose of appointment of employees under Class III and IV”*;

Rule 4 elaborates on the procedure for recruitment as follows:



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“Vacancies for the posts to be filled up by direct recruitment shall be notified to the local Employment Exchange, and shall be filled up only from among the candidates sponsored by the Employment Exchange. Only in case where the Employment Exchange intimates non-availability of suitable qualified candidates, selection of candidates may be made through advertisement in the local newspapers.

Every candidate selected for appointment by the Appointment Committee constituted under the Act shall possess the qualifications prescribed for the respective posts and shall be physically found suitable on being sent for medical examination.”

Rule 13 prescribes reservation of appointments.

Where the special rules lay down that appointment shall be made by direct recruitment also, the rule of reservation of appointment, i.e., rule 22 of the General Rules of the Tamil Nadu State and Subordinate Services shall apply to the class or category of the service and the order of such reservation shall be the same as in the Schedule under rule 22 of the General Rules for the Tamil Nadu State and Subordinate Services, as amended, from time to time.



Rule 36 elaborates on Application of Government rules to the Corporations Employees.

In matters of settlement of pension, regulation of pay and other allowances, leave benefits claiming of travelling allowances and daily allowances and other allowances and control of conduct of the Corporation employees, the Tamil Nadu Pension Rules, the Fundamental Rules, the Tamil Nadu Travelling allowance Rules, the Manual on Special Pay and Allowances, and the Tamil Nadu Government Servants Conduct Rules shall apply to the Corporation employees as nearly as possible, to the Government Servants of similar status and standing. In matters in respect of which no provision has been made in these rules, every member of the service shall as nearly as possible, be governed by the provisions applicable to Government servants of similar status and standing.

17. Part III of the Special Rules of the Tamil Nadu Municipal Corporation Service Rules, 1996, stipulates the Tamil Nadu Municipal Corporations General Subordinate Service Rules, 1996, which govern the categories, appointments, qualification, etc., of Class III posts.



Rule 2 lists out the Groups and Categories of Class III posts, in which the post of Junior Assistant cum Typist falls under Category 1 in Group III.

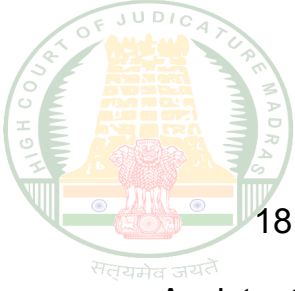
Rule 3 specifies the methods of appointment to the posts mentioned, wherein for the post of Junior Assistant cum Typist, it is mentioned as follows:

- (i) *By direct recruitment; and*
- (ii) *By promotion from the holders of the posts in category (1) in Group IV and in Categories (1) and (3) in Group V of this Service.*

Rule 4 prescribes the qualification for appointment to respective posts, where, for the post of Junior Assistant cum Typist, in case of direct recruitment and by promotion, the following qualifications were prescribed:

- (i) *Must have passed Higher Secondary School Examination;*
- (ii) *Must have passed English and Tamil Typewriting of Government Technical Examination any one in Senior Grade and the other in Junior Grade; and*
- (iii) *Must have passed the foundational training prescribed for the corporation service course before completion of probation.*

Rule 6 specifies the ratio between direct recruitment and promotion, wherein, in case of Junior Assistant (Category 1 in Group III), the ratio of appointment by direct recruitment and by promotion was fixed as 2:1.



18. The post of Junior Assistant cum Typist was bifurcated as Junior Assistant and Typist vide G.O. (Ms) No. 174, Personnel & Administrative Reforms Department, dated 08.09.2000. By G.O. (Ms) No. 87, Municipal Administration and Water Supply (MC-5) Department, dated 19.08.2020, the bifurcation was approved and the minimum educational qualification to the post of Steno Typist, Junior Assistant and Typist was fixed as S.S.L.C in line with the Tamil Nadu Ministerial Service Rules. Accordingly, this was implemented by amending the Tamil Nadu Municipal Corporations General Subordinate Service rules, 1996. The qualification for the post of Junior Assistant was amended as:

“Must have passed S.S.L.C Public Examination or its equivalent with eligibility for admission to Higher Secondary Course of studies (or) to College Course of studies.”

VII. APPOINTMENT COMMITTEE:

19. The Act and rules would amplify that every appointment to any post included in Class III or Class IV shall be made by the appointment committee consisting of the Mayor, the Commissioner and one member elected by the council which shall be established by the Corporation. Therefore, it is mandatory on the part of the corporation to constitute an appointment committee for selection and appointment to the post included in Class III or IV.



The post of Junior Assistant being a post included in Class III under Category 1 in Group III, the selection to the post should be made by Appointment Committee constituted as stipulated under the Act.

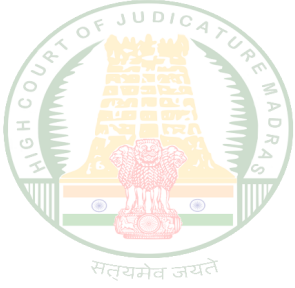
VIII. JUDICIAL DECISIONS:

VIII.A LOCUS STANDI:

20. In ***Ghulam Quadir v. Special Tribunal and Others***¹, the principle of locus standi is discussed as follows:

“37. There is no dispute regarding the legal proposition that the rights under Article 226 of the Constitution of India can be enforced only by an aggrieved person except in the case where the writ prayed is for habeas corpus or quo warranto. Another exception in the general rule is the filing of a writ petition in public interest. The existence of the legal right of the petitioner which is alleged to have been violated is the foundation for invoking the jurisdiction of the High Court under the aforesaid Article. The orthodox rule of interpretation regarding the locus standi of a person to reach the court has undergone a sea-change with the development of constitutional law in our country and the constitutional courts have been adopting a liberal approach in dealing with the cases or dis-lodging the

¹ 2001 INSC 480.



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claim of a litigant merely on hyper-technical grounds. If a person approaching the court can satisfy that the impugned action is likely to adversely affect his right which is shown to be having source in some statutory provision, the petition filed by such a person cannot be rejected on the ground of his having not the locus standi. In other words, if the person is found to be not merely a stranger having no right whatsoever to any post or property, he cannot be non-suited on the ground of his not having the locus standi."

VIII-B. POWER OF CANCELLATION OF ENTIRE SELECTION PROCESS:

21. The Apex Court in ***Amrit Yadav v. The State of Jharkhand and Others***², while dealing with a case wherein the selection of candidates were set aside and termination orders were issued, owing to allegation of rampant corruption and mass scale cheating, observed as follows:

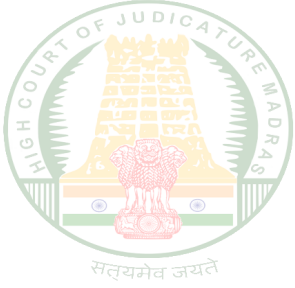
34. *With respect to the power of cancellation of the entire selection process, this Court in **M.P. State Coop. Bank Ltd. v. Nanuram Yadav***³, held thus:

"24. It is clear that in the matter of public appointments, the following principles are to be followed:

(1) The appointments made without

² 2025 INSC 176.

³ (2007) 8 SCC 264.



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following the appropriate procedure under the rules/government circulars and without advertisement or inviting applications from the open market would amount to breach of Articles 14 and 16 of the Constitution of India.

(2) Regularisation cannot be a mode of appointment.

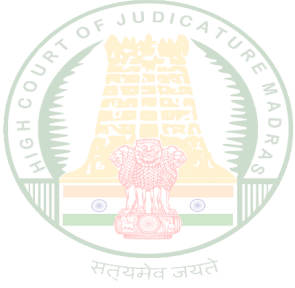
(3) An appointment made in violation of the mandatory provisions of the statute and in particular, ignoring the minimum educational qualification and other essential qualification would be wholly illegal. Such illegality cannot be cured by taking recourse to regularisation.

(4) Those who come by back door should go through that door.

(5) No regularisation is permissible in exercise of the statutory power conferred under Article 162 of the Constitution of India if the appointments have been made in contravention of the statutory rules.

(6) The court should not exercise its jurisdiction on misplaced sympathy.

(7) If the mischief played is so widespread and all pervasive, affecting the result, so as to make it



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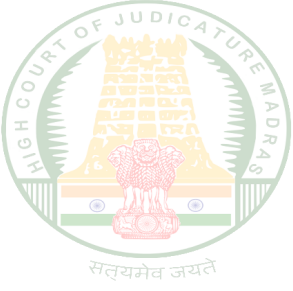
difficult to pick out the persons who
have been unlawfully benefited or
wrongfully deprived of their
selection, it will neither be possible
nor necessary to issue individual
show-cause notice to each selectee.
The only way out would be to cancel
the whole selection.

(8) When the entire selection is
stinking, conceived in fraud and
delivered in deceit, individual
innocence has no place and the
entire selection has to be set
aside.”(emphasis supplied)

35. Thus, it is clear that once the appointment process is declared to be a nullity in law, every action taken in furtherance of such appointment process is also illegal, and, therefore, the constitutional courts have jurisdiction to set aside such appointments wholly and ab-initio. This power of the Court is not curtailed even in a situation where a third-party right has been created in those who have been offered appointment or have even joined the service.

36. This Court in **State of U.P. v. U.P. State Law Officers’ Assn.**⁴, while dealing with the back-door entries in public appointment observed as under:

⁴ (1994) 2 SCC 204

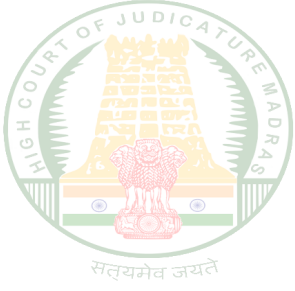


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“19. ... The appointments may, therefore, be made on considerations other than merit and there exists no provision to prevent such appointments. The method of appointment is indeed not calculated to ensure that the meritorious alone will always be appointed or that the appointments made will not be on considerations other than merit. In the absence of guidelines, the appointments may be made purely on personal or political considerations, and be arbitrary. This being so those who come to be appointed by such arbitrary procedure can hardly complain if the termination of their appointment is equally arbitrary. Those who come by the back door have to go by the same door. This is more so when the order of appointment itself stipulates that the appointment is terminable at any time without assigning any reason. Such appointments are made, accepted and understood by both sides to be purely professional engagements till they last. The fact that they are made by public bodies cannot vest them with additional sanctity. Every appointment made to a



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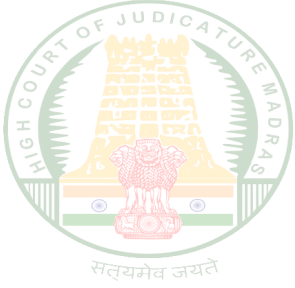
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public office, howsoever made, is not necessarily vested with public sanctity. There is, therefore, no public interest involved in saving all appointments irrespective of their mode. From the inception some engagements and contracts may be the product of the operation of the spoils system. There need be no legal anxiety to save them.”
(emphasis supplied)

37. It is, therefore, clear that a beneficiary of a back-door procedure cannot claim proper treatment as per law when they come at the receiving end.

38. In the present case, the appellant-employee, who had been appointed under the advertisement dated 29th July, 2010, does not have any right on the subject posts once it is concluded that the advertisement is itself void and is declared illegal and unconstitutional. The candidates' right to continue on such posts is contingent upon the legality of the advertisement and the recruitment process conducted in pursuance thereof.

39. At this juncture, before parting, we deem it fit to note that public employment is a duty entrusted by the Constitution of India with the State. Therefore, it becomes imperative that the rigours of Articles 14 and 16 are not ignored by the State in relation to the matter concerning public employment. Arbitrariness



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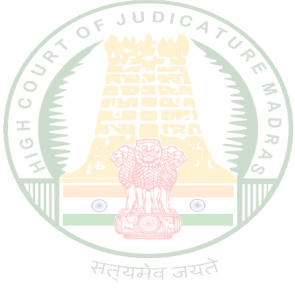
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in public employment goes to the very root of the fundamental right to equality. While no person can claim a fundamental right to appointment, it does not mean that the State can be allowed to act in an arbitrary or capricious manner. The State is accountable to the public at large as well as the Constitution of India, which guarantees equal and fair treatment to each person. Public employment process thus, must always be fair, transparent, impartial and within the bounds of the Constitution of India. Every citizen has a fundamental right to be treated fairly and impartially, which is an appendage of right to equality under Article 14 of the Constitution of India. A violation of this guarantee is liable to judicial scrutiny as well as criticism.

22. In the case of **State of West Bengal v. Baishakthi Bhattacharyya (Chatterjee) and others**⁵, the Apex Court enumerated the legal position in the matter of selection and elaborately discussed on segregation of tainted and untainted candidates, which is extracted as under:

“7. This Court in several cases has examined the question when the entire selection process should be struck down in case of irregularities. It will be apposite to refer to some of the decisions as the ratio

⁵ 2025 INSC 437.

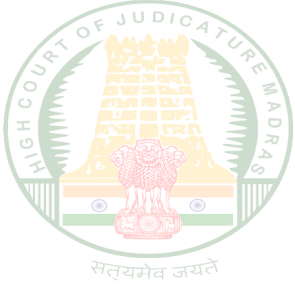


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*and reasoning, in our opinion, is clear and does not suffer from contradictions. In **Sachin Kumar v. Delhi Subordinate Service Selection Board (DSSSB)**⁶, this Court observed that determining when the examination process is vitiated by irregularities requires an in-depth fact-finding inquiry. The answer lies in examining whether the irregularities were systemic enough to undermine the sanctity of the process. In some cases, the irregularities may border on or even constitute fraud, which severely damages the credibility and legitimacy of the process. In such cases, the only option is to cancel the result entirely. These are situations where it is difficult to separate the tainted from the untainted participants, and the irregularities are widespread, indicating a malaise or fraud that has corrupted the process. On the other hand, there are cases where only some participants have committed irregularities. In such cases, it may be possible to segregate the wrongdoers from those who adhered to the rules. The innocent should not suffer for the actions of the wrongdoers. By segregating the guilty, the selection process for the untainted candidates can proceed to its logical conclusion. This aligns with the principle of equality of opportunity under Article 16(1) of the Constitution of India, as well as the fundamental requirement of*

⁶ (2021) 4 SCC 631.



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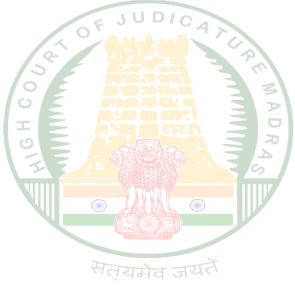
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Article 14 of the Constitution, which mandates a fair, equitable, and reasonable process. Care must be taken to ensure that the innocent are not unfairly penalized alongside the wrongdoers by cancelling the entire process. To treat the innocent and the wrongdoers equally would violate Article 14 of the Constitution, as it would involve treating unequals equally. The innocent should not be punished for faults they did not commit. Finally, while the decision of the recruiting body is subject to judicial control, the body must retain a measure of discretion.

.....

12. *In yet another decision in **Inderpreet Singh Kahlon v. State of Punjab**⁷, this Court elucidated three principles which must be adhered to when cancelling appointments. First, there must be satisfaction regarding the sufficiency of the material collected so as to enable the State to conclude that the selection process was tainted. Second, to determine whether the illegalities committed go to the root of the matter and vitiate the entire selection process, such satisfaction should be based on a reasoned and thorough investigation conducted in a fair and transparent manner. Third, there must be sufficient material to*

⁷ (2006) 11 SCC 356.



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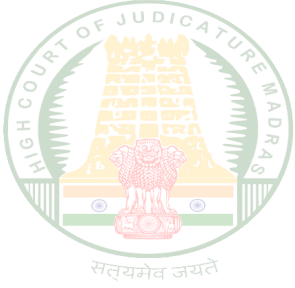
support the conclusion that the majority of the appointments were part of the fraudulent purpose or that the system itself was corrupt.

This three-pronged test, as outlined by Sinha J., is appropriate and should be adhered to.

.....

16. In *Chairman, All India Railways Recruitment Board v. K. Shyam Kumar*⁸, where the decision of the Railway Recruitment Board to cancel the examination and conduct retest on the ground of malpractices involving mass copying, leakage of question paper and impersonation was struck down by the High Court, this Court - reversing the judgment of the High Court - upheld the order of the Board to cancel the examination and conduct retest. Considering the material on record, the widespread irregularities and malpractice in the first written test, and the ultimate object of fair selection, this Court upheld the finding of the Board that the test was vitiated due to mass copying, impersonation, and question paper leakage, rather than misconduct by just a few candidates. In the said facts and circumstance, the decision of the Board to cancel the selection and reconduct the examination was held to be reasonable and well-balanced.

⁸ (2010) 6 SCC 614.

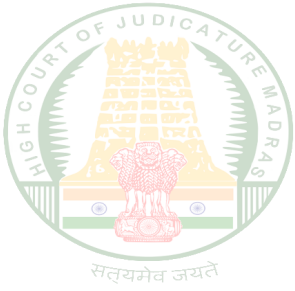


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17. In *State of Tamil Nadu v. A. Kalaimani*⁹, there were allegations of large-scale malpractices involving tampering with OMR sheets. After re-evaluation and further scrutiny, the Teachers Recruitment Board found that 196 candidates had been the beneficiaries of fraudulent alteration of marks. This Court referred to the observations in ***Gohil Vishvaraj Hanubhai v. State of Gujarat*** ((2017) 13 SCC 621) to hold that the authority of the State to maintain the purity of the examination process is unquestionable. *Gohil Vishvaraj Hanubhai* (supra) takes note of the settled dictum that the cancellation of the examination is necessary and required in cases where large-scale malpractices in the course of the conduct of any examination process are alleged. In this context, this Court in *A. Kalaimani* (supra) held that despite the inconvenience caused to the untainted candidates, a serious doubt regarding the magnitude of manipulation in the examination has to be given due weightage. It was held that the finding of the Board that there were chances of more people being involved in the manipulation of marks was a bona fide decision being taken by the Board to instil confidence in the public regarding the integrity of the selection process.

⁹ (2021) 16 SCC 217.



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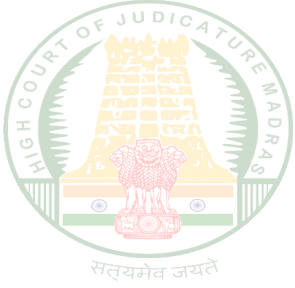
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18. In *Vanshika Yadav v. Union of India*¹⁰, this Court observed that a holistic view must be adopted by assessing the extent of unfair means used and whether it is possible to separate the tainted candidates from the untainted ones. The court must ensure that allegations of malpractice are substantiated and that the material on record, including investigative reports, supports this conclusion. There must be at least some evidence for the court to reach such a conclusion. However, the standard of evidence need not be unduly strict. Specifically, the material on record need not point to a single, definitive conclusion that malpractice occurred at a systemic level. Nevertheless, there must be a real possibility of systemic malaise, as reflected in the material before the court.

19. The following principles emerge from the aforesaid discussion:

- When an in-depth factual inquiry reveals systemic irregularities, such as malaise or fraud, that undermine the integrity of the entire selection process, the result should be cancelled in its entirety. However, if and when possible, segregation of tainted and untainted candidates should be done in consonance with fairness and equity.

¹⁰ (2024) 9 SCC 743.



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- *The decision to cancel the selection en masse must be based on the satisfaction derived from sufficient material collected through a fair and thorough investigation. It is not necessary for the material collected to conclusively prove malpractice beyond a reasonable doubt. The standard of evidence should be reasonable certainty of systemic malaise. The probability test is applicable.*
- *Despite the inconvenience caused to untainted candidates, when broad and deep manipulation in the selection process is proven, due weightage has to be given to maintaining the purity of the selection process.*
- *Individual notice and hearing may not be necessary in all cases for practical reasons when the facts establish that the entire selection process is vitiated with illegalities at a large scale.”*

IX. ILLEGALITIES IN SELECTION PROCESS:

23. Original files are produced before this Court. This Court has perused the original files. As per the 1st Appellant, the original recruitment notification dated 11.01.2021 was made available in e-paper publication of “Makkal Kural”. However, in the “Makkal Kural” newspaper circulated in the public domain on 11.01.2021, the recruitment notification is not available. 654



Applications received, out of which 440 candidates appeared before the five verification committees constituted. We have seen the details regarding the said committee. As per the original files it is shown as under:

Table No. 1

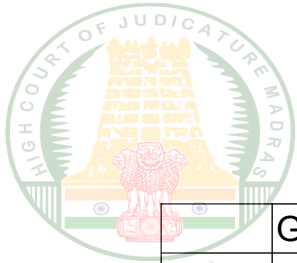
S.No.	Name & Designation	Other details
1	Mr.M.Murugan, Assistant Commissioner, East Zone	Verification Committee head
2	Ms.A.Vasanthi, Assistant, General Section	
3	Ms.C.Devi, Junior Assistant, Engineering Section	
4	Ms.Indumathi, Junior Assistant, General Section	

Table No. 2

S.No.	Name & Designation	Other details
1	Mr.M.Sundarrajan Assistant Commissioner, West Zone	Verification Committee head
2	Ms.Meenakumar, Assistant, JNNURM Section	
3	Mr.Karthickumar, Junior Assistant, General Accounts Section	
4	Mr.N.Ramkumar, Office Assistant	

Table No. 3

S.No.	Name & Designation	Other details
1	Mr.Senthilkumar Rathinam Assistant Commissioner, North Zone	Verification Committee head
2	Ms.Nirmala, Assistant,	



	General Accounts Section	
3	Mr.Senthilkumar, Junior Assistant, Education Section	
4	Mr.Ravisankarar, Sanitary Worker Water Distribute Section	

Table No. 4

S.No.	Name & Designation	Other details
1	Mr.T.R.Ravi Assistant Commissioner, South Zone	Verification Committee head
2	Ms.Kavitha, Assistant, JNNURM Section	
3	Ms.N.Sathiya Banu, Junior Assistant,	
4	Mr.Subramaniyan, Unskilled labour, Revenue Section	

Table No. 5

S.No.	Name & Designation	Other details
1	Mr.N.Annadurai Assistant Commissioner, (Revenue) Revenue Section	Verification Committee head
2	Mr.Karunakaran, Special Tax Inspector, Revenue Section	
3	Ms.Priyadarshini, Junior Assistant, General Section	
4	Mr.Lokesh, Junior Assistant General Section	

24. So the prima facie point, on the perusal of the above files indicate



that no actual selection had taken place. No selection process as such was conducted. Mere certificate verification committees headed by an Assistant Commissioner, also comprising of Assistants, Junior Assistants and Office Assistants were constituted. These committees are merely certificate verification committees acted under the guise of selection and interview committees, which is *per se* null and void, as it clearly goes against the established principles of conducting of selection to a public post.

25. The above five verification Committees constituted by the respondent Coimbatore Corporation is self evident, that it cannot be construed as a valid selection committees for the purpose of conduct of selection to the post of Junior Assistant. In Government departments, the post of Junior Assistant is falling under the purview of Tamil Nadu Public Service Commission and an open selection process is being conducted via written examination, viva voce and by applying the rules of reservations and other procedures. However in the present case, no written examination nor any established procedure of assessment was undertaken through a validly constituted selection committee, thereby vitiating the entire selection process.

26. In the present case, the Coimbatore Corporation is also a State



within the meaning of Article 12 of the Constitution of India. It is a public appointment and therefore, the procedures for selection must be done in accordance with the recruitment Rules and established principles.

27.The five committees conducted certificate verification for 440 candidates on a single day on 08.02.2021. The proceedings would show that on the same day interview was conducted, selection list was published and appointment orders were issued.

28.Interestingly, original files relating to award of marks, assessments made through interview, eligibility and suitability ascertained by these five committees are not available with the corporation. The learned Senior counsel for Coimbatore Corporation would submit no such files are available.

29.The very fact regarding non availability of the file relating to selection process would vitiate the entire selection. The assessment made by the committees are not known and award of marks and the other procedures followed for ascertaining the eligibility and suitability of the candidates are totally missing. Therefore the records relating to selection process are totally messy, except the application forms and the approval order passed by the



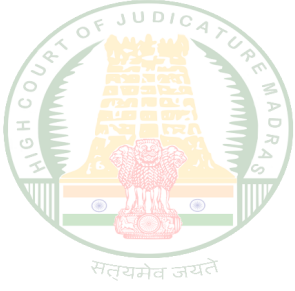
Commissioner, Coimbatore Corporation. The committee constituted is also not in consonance with the statutes, Rules and the established principles.

X. FINDINGS:

30.The five committees constituted performed the job of only certificate verification, which is a ministerial work and such verification committees cannot be a substitute nor be equated with a validly constituted selection committee.

31.Normally High Court would not interfere in the process of selection as rightly contended by the learned Senior counsel Mr.M.S.Krishnan appearing on behalf of the selected candidates. Scope of interference in the selection process is limited and if the process of selection is totally tainted, vitiated by fraud or completely based on favouritism and nepotism, then the court interferes in the process of selection.

32.The legal principles for selection and appointment to the public posts are reiterated in unequivocal terms by the constitutional courts across the country.



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33. All appointments to the public posts are to be made under the constitutional schemes and by following the Recruitment Rules in force. In the absence of any specific Service Rule, the process of selection must be conducted in a transparent manner and by following the established principles for conduct of selection. Equal opportunity in public employment is the constitutional mandate. Article 16(1) clearly enumerates equality of opportunity in matters of public employment to any office and the State. Tainted process of selection is a ground to vitiate the process and beyond that, fraud or illegal selection would result in causing infringement of the fundamental rights of lakhs and lakhs of meritorious candidates, who all are longing to secure public employment through open competitive process. Therefore, any illegality in the process of selection is not only a ground to vitiate the selection, but larger repercussions on the society in the matter of protecting the equal opportunity in public employment is involved. Therefore, twin aspects regarding tainted selection as well as the fundamental rights of citizen are to be taken into consideration by the High Court, while dealing with the process of selections.

34. In the present case, perusal of the original files would show that 654



applications are received out of which 440 candidates participated in the verification process. No written examinations were conducted. Verification was conducted on the same day by constituting five committees and each committee consisting one Assistant Commissioner. To summarise, the recruitment to the post of Junior Assistant was conducted by an Assistant Commissioner. He had conducted a mere certificate verification and no actual selection or assessment of candidates were undertaken. Therefore, an Assistant Commissioner in his individual capacity approved the candidates without even awarding marks or assessing the eligibility and suitability of the candidates. This tainted method of selection conducted by the Corporation *per se* is self evident to arrive at a conclusion that it is a fraud on selection process and wholly vitiates the entire process.

35.If at all in a selection process, the tainted and untainted candidates can be segregated, then the Courts normally segregate the untainted candidates and partly allow and uphold the selection. However, if tainted and untainted cannot be segregated, as the entire process of selection is a fraud and candidates are selected based on favouritism and nepotism, then segregation of tainted and untainted candidates become impossible and the courts have no option but to set aside the entire process of selection in order



to uphold the constitutional principles.

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36.The Government has also issued G.O.(Ms)No. 44 Labour and Employment (T2) Department, dated 11.03.2015 stating as follows:

“The respondents should also constitute selection committee, who shall adopt the criteria of selection before commencement of selection process laying down marks for qualification, experience, interview etc., depending on the post to be filled up.”

The said procedure as contemplated in the Government order has not been followed in the process of selection.

37.Recruitment to public services must command public confidence. Persons who are recruited are intended to fulfil public functions associated with the functioning of the Government.

38. A perusal of the selection process in the present case is shocking to the conscience as the constitution of the committee by itself is a fraud on the selection process. The verification committee headed by the Assistant Commissioner selected the candidates for appointment to the post of Junior Assistant is unknown to service rules. There is no constitution of a valid

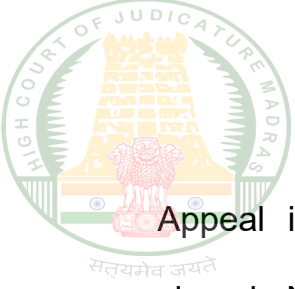


selection committee as per Service Rules or any procedures to assess the candidates were followed to assess the suitability and eligibility. Under these circumstances, what are we to do?

39. The only remedy open to this Court is to set aside the selection. The plea being made that innocent candidates should not be penalised for the misdeed of others. This Court is unable to accept the prayer, when the entire recruitment process is flawed. This Court ought to strike a balance. The eyes of law does not view only the plight of the selected candidates, but should also take into consideration the state of unselected candidates, who should not lose trust in the system or future public post selection. Hence, the entire selection is arbitrary and unconstitutional, confining the basic rights of citizen for equal opportunity in public employment. Therefore, this Court has arrived at a conclusion that there is complete absence of a valid selection process in the present case and it is inevitable that the consequent appointments are to be declared as illegal.

XI. CONCLUSION

40. In the result, the Writ Order impugned is set aside. Consequently the appointments of 54 candidates/parties in the present appeal, made to the post of Junior Assistant for Coimbatore Corporation are set aside and the Writ



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Appeal is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

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41.It is brought to the notice of this Court that during pendency of the Writ Petition as well as Writ Appeal, few appointed candidates threatened the 1st appellant/writ petitioner for withdrawal of the Writ Petition as well as Writ Appeal. Therefore, the Corporation authorities shall ensure that the 1st appellant/petitioner is able to perform her duties and responsibilities as Sanitary Worker in a peaceful manner. In the event of any such further threat from any quarters or motivated actions, the 1st appellant/writ petitioner is at liberty to initiate appropriate actions in the manner known to law.

42.The original files are returned to Mr.S.Silambanan, learned Senior Counsel for the Corporation.

(S.M.S.,J.) (N.S.,J.)
18-06-2026

Index: Yes
Speaking order
Neutral Citation: Yes

sai



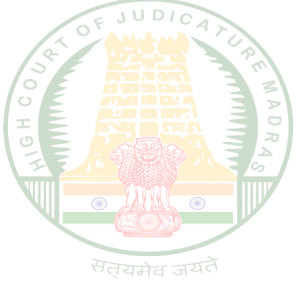
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To

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1. The Chief Secretary Government of
Tamilnadu, Secretariat
St.George Fort,
Chennai.
2. Secretary to Government
Labor and Welfare Department,
Secretariat
St.George Fort,
Chennai.
3. Principal Secretary to Government
Adi Dravidar Welfare and Hill Tribble Labor
welfare,
Secretariat
St.George Fort,
Chennai.
4. The Additional Chief Secretary
Government of Tamilnadu,
Secretariat
St.George Fort,
Chennai
5. The District Collector
O/o. The Coimbatore Collector Office,
Coimbatore.
6. The Commissioner of Corporation
O/o. The Coimbatore Corporation,
Coimbatore - 641 001.



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S.M.SUBRAMANIAM J.
and
N.SENTHILKUMAR J.
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WA No. 286 of 2023
and
CMP No. 2923 of 2023

18-06-2026

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