

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.33772 of 2014

K.Lakshmi

.. Petitioner

-vs-

1. The Deputy Director
Kancheepuram Employment Exchange office
Kotta Ram Palayam Street
Kancheepuram District
Kancheepuram 631 502
2. The Deputy Director
Tiruvallur Employment Exchange office
Tiruvallur
(R2 suo motu impleaded as per order of Court
dated 24.4.2015 in W.P.No.33772 of 2014) .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to issue call letter/job letter in any department at Kancheepuram District for the petitioner's educational/technical qualifications.

For Petitioner :: Ms.Dakshayani Reddy
for Ms.K.Lakshmi P-in-P

For Respondents :: Mr.K.Rajendraprasad
Government Advocate

सत्यमेव जयते
ORDER

This writ petition has been filed by Ms.K.Lakshmi seeking issuance of a writ of mandamus, directing the respondents to issue call letter / job letter in any department at Kancheepuram District for the petitioner's educational/technical qualifications, as the petitioner, in spite of registering her name on 7.11.89 and also having effected the periodic renewal regularly on 7.6.91, 6.9.96, 22.4.98, 22.4.2001, 22.4.2004 21.6.2007, June, 2010 and lastly in September, 2013, is not able to get any call letter or job letter for a suitable post commensurate with her educational / technical qualification.

2. Ms.Dakshayani Reddy, learned counsel for the petitioner submitted that the petitioner, after completing her S.S.L.C., in the year 1989, registered her name on 7.11.89 in the District Employment Exchange, Kancheepuram. Again, after passing Higher Secondary Course in the year 1991, she renewed the registration on 7.6.91. Once again on completion of her graduation through correspondence course in 1996, she further renewed her registration on 6.9.96. In the meanwhile, she has also updated her technical qualifications of passing the Typewriting Tamil Lower grade on 10.5.94, Typewriting English Higher grade on 8.11.95 and Shorthand English Lower grade on 15.5.96. Subsequently thereafter, she has been regularly renewing her registration on 22.4.98, 22.4.2001, 22.4.2004 21.6.2007, June, 2010 and lastly in September, 2013. Even after the regular renewal of her name with the educational/technical qualifications, she is not given a job. The learned counsel also brought to the notice of this Court the reverse portion of the employment exchange card showing the entries of regular renewal made on 7.6.91, 6.9.96, 22.4.98, 22.4.2001, 22.4.2004 21.6.2007, June, 2010 and in September, 2013. Subsequently, whenever the petitioner has been visiting the office of the first respondent asking a clarification regarding the job opportunity matching her qualifications as per the seniority, the officer used to tell her that as and when she reached her seniority, she would be issued with the sponsorship certificate. The petitioner, being a destitute woman, has no financial means to take care of herself. In addition thereto, she is also looking after her aged mother. Therefore, in this regard, the further grievance of the petitioner is that several other persons who got their registration after the petitioner's registration with the S.S.L.C., qualification in the year 1989, were given employment, whereas the petitioner, who is enjoying a long seniority with the respondents, has been denied the chance of attending the interview. On this basis, she sought for a suitable direction.

3. A counter affidavit has been filed by the respondents. Learned Government Advocate appearing for the respondents submitted that when the petitioner registered her qualifications in the District Employment office, Kancheepuram, she was given the registration No.W/485/1998. Subsequently, when she approached the District Employment office for renewal during the year 2011, her employment registration No.W/485/1998 was found to have lapsed for want of timely renewal, therefore, a fresh registration was done under the new on-line registration No.KPD2011F00136790 in the department website on 10.10.2011. As per the on-line registration detail, the next renewal date of the petitioner was fixed as three years from the date of on-line registration viz., October, 2014. The petitioner, in the meanwhile, also made a request in the year 2014 for providing a job as per her educational qualification and seniority. The Deputy Director of Employment, Kancheepuram, finding that the petitioner has got her name registered on 7.11.89, sent a call letter dated 19.11.2014 intimating her to appear in person with all her original certificates for verification. But she has not,

till date, reported to the office in response to the call letter received from the District Employment office, Kancheepuram. In view of the above situation, the grievance of the petitioner could not be verified at their end. The learned Government Advocate further submitted that the petitioner also came to this Court on an earlier occasion in W.P.No.18601 of 2012 seeking for a mandamus directing the respondents therein to allow her to join duty as Anganwadi worker in the Child Welfare Centre at Nellikuppam II, Thiruporur. But, this Court, by order dated 9.1.2013, dismissed the writ petition on the ground that the prayer of the petitioner was misconceived, for the reason that there was no recommendation made in favour of the petitioner that she should have been appointed on the basis of her earlier seniority to the post of Anganwadi worker.

4. Having heard the rival submissions, this Court is of the view that the case and claim of the petitioner merit consideration, for the reason that she is a destitute woman; secondly, she admittedly registered her name with the employment exchange way back in the year 1989 followed by periodic renewals; and thirdly, till now, even nearly after 2½ decades, she has not been issued with any call letter. Thus, with regard to the seniority maintained by the petitioner, this Court could see that when admittedly the petitioner had registered her name with the S.S.L.C., qualification on 7.11.89 and also effected the regular renewal on 7.6.91, 6.9.96, 22.4.98, 22.4.2001, 22.4.2004 21.6.2007, June, 2010 and in September, 2013, the first respondent has not given any reply as to how the petitioner's seniority can be ignored. Therefore, when this Court is able to see that the petitioner has registered her name with the S.S.L.C., qualification on 7.11.89 and also has effected regular renewal thereafter, finding no suitable explanation by the first respondent in the counter affidavit that she has not maintained her seniority, is inclined to direct the first respondent to sponsor the name of the petitioner being a destitute woman for any suitable post in the immediate future vacancies with the requisite qualification of S.S.L.C. With this direction, the writ petition stands disposed of. No costs.

ss

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Deputy Director
Kancheepuram Employment Exchange office
Kotta Ram Palayam Street
Kancheepuram District
Kancheepuram 631 502

2. The Deputy Director
Tiruvallur Employment Exchange office
Tiruvallur.

+ 2 ccs to M/s.K.Lakshmi Party in Person SR 30538

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