

In the High Court of Judicature at Madras

Dated: 29.06.2015

Coram

The Honourable Mr.JUSTICE D. HARIPARANTHAMAN

Writ Petition No.18794 of 2015
and M.P.Nos. 1 and 2 of 2015

K.Thavamani

..Petitioner

Vs.

1. The State of Tamil Nadu,
rep. By its Secretary to Government,
Backward Classes, Most Backward Classes
& Minorities Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Backward Classes & Minorities Welfare Department,
Chepauk,
Chennai - 600 005.
3. The Commissioner,
Most Backward Classes & Denotified Communities (FAC),
Chepauk,
Chennai - 600 005.
4. The District Collector,
Nagapattinam District,
Nagapattinam.
5. The District Backward Classes, Most Backward Classes
& Minorities Welfare Officer,
Nagapattinam District,
Nagapattinam.
6. G.Saravanan,
Jeep Driver,
The District Backward Classes, Most Backward Classes
& Minorities Welfare Officer,
Nagapattinam District,
Nagapattinam.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for records

relating to the impugned proceedings issued by the 4th respondent in Na.Ka.No.15915/2014/L1 dated 27.03.2015 and to quash the same and consequently direct the 5th respondent to promote the petitioner to the post of Jeep driver in accordance with Service Rules framed in G.O.Ms.No.46 Backward Classes, Most Backward classes & Minorities welfare (MWRU) Department dated 01.08.2014.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.G.P.

O R D E R

Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, takes notice for the respondents.

2. With consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he joined as a Cook in the respondent Department on 15.04.2011. He was also temporarily appointed as a Jeep Driver in the office of the 5th respondent on 06.02.2012. But the 6th respondent joined as a Cook only on 30.04.2013.

4. Further, the probation of the petitioner as a Cook was declared by the 5th respondent, by order dated 28.05.2012 w.e.f. 09.04.2012. But the probation of the 6th respondent as a Cook was declared, by order dated 23.03.2015 w.e.f. 30.04.2014.

5. According to the learned counsel for the petitioner, when the selection process took place, the probation of the 6th respondent was not declared but he was favoured due to the reason best known to the authorities. It is also submitted by the learned counsel for the petitioner that since the appointment of the 6th respondent was against the guidelines, the Commissioner of Most Backward Classes and Denotified Communities issued a letter dated 19.05.2015 to the District Backward classes and Minorities Welfare Officer, Nagapattinam, to act upon the clarification given in the adhoc Rules.

6. In such circumstances, though the writ petition is filed to quash the order dated 27.03.2015, promoting the 6th respondent as Jeep Driver, learned counsel for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the District Backward Classes and Minorities Welfare Officer, Nagapattinam, to pass orders on the letter No.C1/1811/2015 dated 19.05.2015 of the Commissioner of Most Backward Classes and Denotified Communities on merits and in accordance with law and also in the light of the adhoc rules within a stipulated period.

7. In view of the narrow prayer sought for, a direction is issued to the District Backward Classes and Minorities Welfare Officer, Nagapattinam, to pass orders, as directed by the Commissioner for

Most Backward Classes and Denotified Communities, in his letter dated 19.05.2015 and in the light of the adhoc rules, within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

vsi

To

1. The Secretary to Government,
Backward Classes, Most Backward Classes
& Minorities Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Backward Classes & Minorities Welfare Department,
Chepauk,
Chennai - 600 005.
3. The Commissioner,
Most Backward Classes & Denotified Communities (FAC),
Chepauk,
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4. The District Collector,
Nagapattinam District, Nagapattinam.
5. The District Backward Classes, Most Backward Classes
& Minorities Welfare Officer,
Nagapattinam District,
Nagapattinam.

1 cc to Mr..G.Sankaran , Advocate Sr.No.31942

1 cc to Government Pleader.Sr.No.32107

W.P.No.18794 of 2015

ggk(co)
pmk.31.7.2015

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