

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.P. No.29525 of 2015

and

M.P. No.1 of 2015

S. Birmagnanam

...Petitioner

Vs.

1 The District Judge,
Thiruvarur.

2. The District Employment Officer,
Thiruvarur.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent herein to consider the petitioner for appointment to any one of the post of Examiner, Amin, Xerox Operator, Office Assistant, Night Watchman and Masalchi in the office of the 1st respondent as per the direction of the Honourable Division Bench of this court dated 27.11.2014 made in WP (MD) No.23297 of 2014 within a reasonable time.

For petitioner Mr. M. Govindarajan

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The petitioner is stated to be one of the applicants seeking temporary appointment to any one of the posts, viz., Examiner, Amin, Xerox Operator, Office Assistant, Night Watchman and Masalchi, in the office of the 1st respondent.

2 By this petition, the petitioner seeks a direction to the respondents to consider her application for appointment on any post

and grant appointment.

3 The learned counsel, relying on the observation made by this Bench in a batch of matters in Tmt. S. Sornalatha & others Vs. The State of Tamil Nadu & Others (W.P.No. 3498 of 2013 etc. batch), submits that there are vacancies and as such, the respondents be directed to appoint the petitioner on any post as mentioned in the relief clause.

4 On consideration, we are of the view that such prayer, seeking a direction cannot be granted as even for appointment on temporary basis, the authorities are required to afford an opportunity of hearing to all similarly situated persons, who are waiting for opportunity to get employment somewhere. The appointment, even on temporary post under such direction, will be violative of fundamental principles of the Constitutional scheme as well the provisions of law. Consequently, we are not inclined to pass such order, which may deprive other similarly situated persons from enjoyment of their right to employment under the Constitutional scheme.

5 This writ petition is, accordingly, dismissed. No costs. Consequently connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1 The District Judge,
Thiruvavur.

2. The District Employment Officer,
Thiruvavur.

+1 cc to Mr.T.Padmanabhan, Advocate (sr.51498)

+1 cc to Government Pleader (sr.51557)

W.P. No.29525 of 2015

sv(co)

cp 07/10/2015