

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.38806 of 2015

S. Arockiadoss

... Petitioner

Vs

1. The Director,  
Directorate of Technical Education,  
Guindy, Chennai - 25.
2. The Principal,  
P.T.Lee. Chengalvaraya Naicker Polytechnic College,  
(Government aided institution)  
Vepery, Chennai.

... Respondents

Prayer: The Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, by directing the respondents to appoint the petitioner as Skilled Assistant (Carpentry) pursuant to the selection made by the 2<sup>nd</sup> respondent with effect from 30.07.2002 and in light of G.O.Ms.No.131 (Higher Education (C 1) Department) dated 10.07.2012.

For Petitioner : Mr.N.Balamuralikrishnan

For Respondent : Mr.M.E.Raniselvam  
No.1 Additional Government Pleader

For Respondent : Mr.M.R.Jothimanian  
No.2

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The writ petition is filed for issuance of a writ of Mandamus directing the respondents to appoint the petitioner

as Skilled Assistant (Carpentry) pursuant to the selection made by the 2<sup>nd</sup> respondent with effect from 30.07.2002 and in light of G.O.Ms.No.131 (Higher Education (C 1) Department) dated 10.07.2012.

3. According to the petitioner, as per the request of the second respondent, the District Employment Exchange sponsored the name of the petitioner for appointment to the post of Skilled Assistant (Carpentry). An interview was conducted on 12.08.2001 by the Staff Selection Committee and the petitioner was selected and thereafter, a proposal was sent by the second respondent for a formal approval on 18.08.2001. However, pending approval by the first respondent, the Government issued a G.O.Ms.No.212 (P&AR Department) Dated 29.11.2001 imposing ban on fresh recruitment, so the proposal was not approved.

4. The petitioner would further state that due to dearth of eligible hands, the second respondent management appointed the petitioner and one G.Rajamani as skilled assistant on contract basis, till the approval is given by the first respondent. Though the ban of fresh appointment was lifted by G.O.Ms.No.14 (P & AR Department) dated 07.02.2006, the first respondent did not accord approval for selection of the petitioner as Skilled Assistant (Carpentry) immediately. Eventually, in G.O.Ms.No. 131 (Higher Education (C1) Department, dated 10.07.2012, the approval was accorded granting relaxation of the petitioner and other similarly placed persons.

5. The grievance expressed by the petitioner is that though the second respondent appointed his colleague viz., G.Rajamani on regular basis based on the G.O., the petitioner was not brought into time scale of pay and therefore, he made representations to the respondent on 03.06.2014, 15.07.2015, 05.10.2015 and 28.10.2015. Since the representations were not considered, the petitioner chose to file the present writ petition.

6. Heard Mr.N.Balamuralikrishnan, learned counsel for the petitioner and Ms.M.E.Raniselvam, learned Additional Government Pleader takes notice for R1 as well as Mr.M.R.Jothimanian, learned counsel takes notice for R2.

7. Though the petitioner prayed for a larger relief, this court, in the light of the facts and circumstances and without going into the merits of the case, directs the second respondent to consider the petitioner's representations on 03.06.2014,

15.07.2015, 05.10.2015 and 28.10.2015 and pass orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

With the above direction, this writ petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Director,  
Directorate of Technical Education,  
Guindy, Chennai - 25.
2. The Principal,  
P.T.Lee. Chengalvaraya Naicker Polytechnic College,  
(Government aided institution)  
Vepery, Chennai.

+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.66866  
+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.66309  
+1cc to the Government Pleader, S.R.No.66623

W.P.No.38806 of 2015

EV(CO)  
CA(11/01/2016)

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