

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.40125 of 2015

and

M.P.No.1 of 2015

S.Suresh

PETITIONER

Vs

1. Government of Tamil Nadu
Rep. By its Secretary to Government,
Adidraavidar and Tribal Welfare Department,
Fort St. George, Chennai -600 009.
- 2.The Collector,
Salem District,
Salem.
- 3.The District Adi Dravidar and Tribal Welfare,
Officer, Collector's Office, Salem,
Salem District.

RESPONDENTS

Prayer: The Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Declaration, declaring the order of the 2nd respondent bearing Na.Ka.No.36263/2011 d4 dated 21.10.2015 in so far as not making 3% reservation out of the 16% reserved for Scheduled Caste in terms of the Tamil Nadu Arunthathiyars (Special Reservation of Seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the services under the State within the Reservation for the Scheduled Castes) Act, 2009 for the selection to the post of Cook in respect of 80 vacancies as illegal, arbitrary, contrary to law and consequently direct the respondents to issue fresh Advertisement/Notification in respect of the post of Cook by notifying the 3% reservation out of 16% reservation for Scheduled Caste in terms of the Tamil Nadu Arunthathiyars (Special Reservation of Seats in Educational Institutions including Private Educational Institutions and of appointments

or posts in the services under the State within the Reservation for the Scheduled Castes) Act, 2009.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader.

O R D E R

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

2. The case of the petitioner is that he belongs to Hindu Arunthathiyar, which is a Schedule Caste. He has got an experience in cooking both vegetarian and non-vegetarian Foods. The second respondent issued a notification dated 21.10.2015 to fill up 80 posts of cook in Salem Region of the office of the District Adidravidar and Tribe Welfare.

3. The petitioner would claim that the respondents should have reserved 3% out of 16 % reservation for scheduled caste for Arunthathiyars as per Rule 3 of the Tamil Nadu Arunthathiyars (Special Reservation of Seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the services under the State within the Reservation for the Scheduled Castes) Act, 2009. Since the respondent did not specify any criteria, he made a representation dated 11.11.2015. However, the respondents have not passed any order so far and therefore, the petitioner has come forward with the present writ petition.

4. Mr.Balan Haridas, learned counsel appearing for the petitioner submitted that though the petitioner has filed this writ petition for declaration, he will be satisfied if a direction is issued to the third respondent to consider his representation.

5. Heard Mr.Balan Haridas, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government, Pleader, who accepts notice on behalf of the respondents.

6. This Court considering the submission of the learned counsel for the petitioner and without going into the merits of the case, directs the third respondent to consider and dispose of the representation of the petitioner dated 11.11.2015 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a

copy of this order and communicate the decision taken, to the petitioner.

This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sms
To

1. The Secretary to Government,
Government of Tamil Nadu
Adidraavidar and Tribal Welfare Department,
Fort St. George,
Chennai 600 009.
- 2.The Collector,
Salem District,
Salem.
- 3.The District Adi Dravidar and Tribal Welfare,
Officer, Collector's Office, Salem,
Salem District.

+1 cc to Government Pleader sr.68749
+1 cc to Mr.Balan Haridass Advocate sr.68348

W.P.No.40125 of 2015
and
M.P.No.1 of 2015

lrs(co)
aa07/01/2016

WEB COPY