

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.7167 of 2015
& M.P.No.1 of 2015

M.Samraj

... Petitioner

Vs.

The District Backward Classes and
Minorities and Welfare Officer,
Erode

... Respondent

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus directing the respondent herein to appoint the petitioner as Jeep Driver in the existing vacancy and to regularize the petitioner's services as jeep Driver in the respondent department from the date when he joined on 5th August 2010 on oral orders of the respondent with all attended benefits.

For Petitioner : Mr.K.Radhakrishnan

For Respondent : Mr.P.Sanjay Gandhi, AGP

O R D E R

The petitioner seeks a writ of mandamus directing the respondent to appoint him as Jeep Driver in the existing vacancy and to regularize his service right from 05.08.2010.

2. According to the petitioner, he was engaged by the respondent to drive the Jeep belonging to the said Department. The initial engagement was on 05.08.2010. The respondent is now contemplating to appoint a Driver against the sanctioned post. The petitioner therefore wanted the respondent to regularize his service without calling for applications for appointment to the post of Driver.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader on behalf of the respondent.

4. There is no question of directing the respondent to regularize the service of the petitioner, in view of the fact that the appointment was not made by following a transparent process of selection. Even according to the petitioner, the engagement was made only on 05.8.2010. It is open to the petitioner to submit an application for appointment along with others in case the respondent issues a notification for filling up the vacancy. The respondent is directed to consider the case of the petitioner along with others. While considering the applications, the respondent should take into account the fact that the petitioner has been working right from 5.8.2010.

4. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ajr/dn

To

The District Backward Classes and
Minorities and Welfare Officer,
Erode .

+lcc to Mr.K.RadhaKrishnan, Advocate, S.R.No.15571
+lcc to the Government Pleader, S.R.No.15866

KM(CO)
CA(24/03/2015)

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