

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition Nos.25312 & 25343 of 2013 and
M.P.Nos.1 of 2013 and M.P.Nos.1 of 2015 in
W.P.Nos.25312 & 25343 of 2013

P.Thangaraju

P.Balasubramanian

...Petitioner in W.P.No.25312/2013

...Petitioner in W.P.No.25343/2013

vs.

1.The District Employment Officer,
Villupuram.

2.The Collector,
Villupuram District,
Villupuram.

3.The District Welfare Officer,
For Adi-dravidar and Schedule Tribe,
Villupuram District,
Villupuram.

4.The State of Tamil Nadu,
Rep. By the Secretary to Government,
Adi-Dravidar Welfare,
Fort St.George,
Chennai - 9.

... Respondents in both W.Ps

Common Prayer:- Writ petitions filed under Article 226 of the Constitution of India for a writ of Mandamus directing the respondents to send the name of the petitioner for selection of a post of Cook or any other suitable post according to his qualification and in particular for the post of village Menial (Grame Udaviyalar).

For Petitioner

in both W.Ps : Mr.A.Malath Devapriyam

For Respondents

in both W.Ps : Mr.V.Subbiah,
Special Government Pleader

COMMON ORDER

By consent, the writ petitions are taken up for final disposal.

2.The petitioner in W.P.No.25312 of 2013, would state that after passing VIII Standard, he got his name registered in the jurisdictional employment exchange. In the year 1987, the petitioner was called for an interview for the post of Cook for the Harijan Students Hostel but, he was not selected. Thereafter, he was called for an interview but, he could not get himself selected.

3.It is further stated by the petitioner that there was a ban on recruitment for a period of five years for any post and vide G.O.Ms.No.21 Labour and Employment (No.2) Department dated 02.02.2000, the minimum age prescribed for getting public employment was extended by five years. In the interregnum period, selection was done for the post of Cook during the year 2011, though, the petitioner has attended interview, he was not selected. In this regard, the petitioner filed an Original Application in O.A.No.795/1993 before the Tamil Nadu Administrative Tribunal, challenging the appointment of one Mr.Velu, the fourth respondent in the O.A., as Village Menial. On the abolition of the Tamil Nadu Administrative Tribunal, the said Original Application was transferred to the file of this Court and re-numbered as W.P.No.17334 of 2006. On 30.10.2006, the said writ petition was dismissed by this Court thereby confirming the appointment of Mr.Velu as a Village Menial.

4.The grievance now expressed by the petitioner is that, on account of the ban on recruitment, the petitioner has become over aged and in the light of G.O.Ms.No.21 dated 02.02.2000, his claim for appointment to the post of Cook may be considered by this Court. In this regard, the petitioner submitted a representation dated 16.04.2012 to the second respondent and since no order has been passed on the same, the petitioner came forward to file this writ petition.

5.The petitioner in W.P.No.25343 of 2013 would state that, he failed in SSLC in March 1986 and he registered his name in the jurisdictional employment exchange in the year 1989 and he has also attended the interview on 01.12.2005 for the Post of Cook however, he was not selected and subsequently, he was called for an interview by the District Employment Officer, Villupuram and his attempts to get employment were failed.

6.The grievance now expressed by the petitioner is that on account of the ban on recruitment, the petitioner has become over aged and in the light of G.O.Ms.No.21 dated 02.02.2000, his claim for appointment to the post of Cook may be considered by this Court. In

this regard, the petitioner submitted a representation dated 25.04.2012 to the third respondent and since no order has been passed on the same, the petitioner came forward to file this writ petition.

7.The learned counsel for the petitioners would submit that in W.P.No.16513/2012 etc batch, certain petitioners were prayed for a direction to the respondents therein to call for interview from the petitioners for the post of Cook or any other posts suitable to their qualification and this Court this Court vide common order dated 17.07.2012 has passed an order stating that the direct recruitment to the post of Cook could be resorted to only after filling up the promotional post, considering the eligibility of the petitioners.

8.This Court heard the submissions of the learned Additional Government Pleader, who accepts notice for the respondents.

9.Though, the petitioners prayed for a larger relief, this Court in the light of the above facts and circumstances of the case, permits the petitioners to submit fresh representation to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the representations, on merits and in accordance with law and pass orders, within a period of eight weeks thereafter and communicate the decision taken, to the petitioners.

10.The writ petitions are disposed of, accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

सत्यमेव जयते

jbm
To

1.The District Employment Officer,
Villupuram.

2.The Collector,
Villupuram District,
Villupuram.

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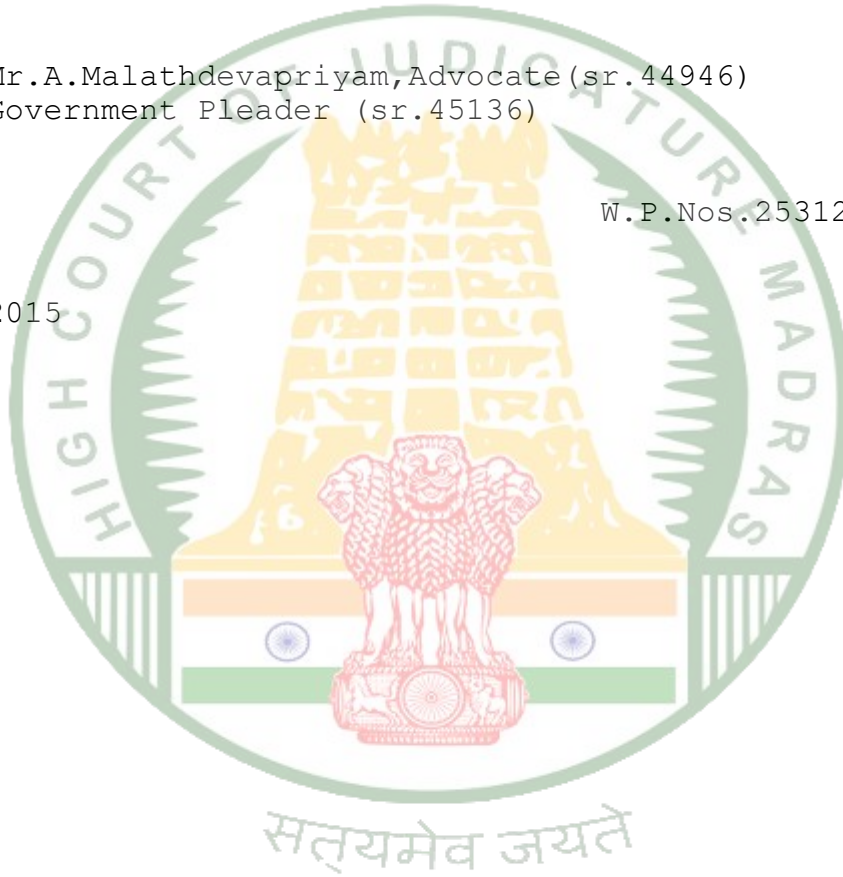
3.The District Welfare Officer,
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Villupuram District,
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4.The State of Tamil Nadu,
Rep. By the Secretary to Government,
Adi-Dravidar Welfare,
Fort St.George,
Chennai - 9.

+2 cc to Mr.A.Malathdevapriyam,Advocate(sr.44946)
+1 cc to Government Pleader (sr.45136)

W.P.Nos.25312 & 25343 of 2013

sr(co)
cp 25/09/2015



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