

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.17427 of 2016

P.Elsi Voilda Mary

.. Petitioner

Vs.

1.The Commissioner and Special Commissioner
of Employment and Training
Department of Employment and Training
Guindy
Chennai-600 032.

2.The District Employment Officer
District Employment Office
Namakkal.

3.The Member Secretary
Medical Services Recruitment Board (MRB)
7th Floor, DMS Buildings
359, Anna Salai
Teynampet
Chennai-600 006.

..Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the 3rd respondent to consider the petitioner's representation, dated 06.07.2015, to call upon the petitioner to appear for verification of her certificates/documents stated in online application, in accordance with law, within the time frame as may be stipulated by this Court.

For Petitioner

:Mr.D.Shivakumaran

For Respondents

:Mr.M.Dig Vijaya Pandian
Additional Government Pleader
for R.1 and R.2
Mr.A.Vivek
Standing Counsel for R.3

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 3rd respondent to consider the petitioner's representation, dated 06.07.2015, to call upon the petitioner to appear for verification of her certificates/documents stated in online application, in accordance with law, within a time frame.

3. The petitioner after completing the Higher Secondary Course, underwent Lab Technician Course. Subsequently, the petitioner registered her name with the 2nd respondent, on 19.08.2002. The petitioner was called upon to appear before the 2nd respondent, on 02.02.2010, for the post of Lab Technician, Grade-III. Accordingly, the petitioner appeared and his certificates were verified. But, the petitioner's name was not found in the seniority list of Lab Technician, Namakkal District, published by the 2nd respondent. In this regard, the petitioner has submitted a representation. As there was no response, the petitioner has filed W.P.No.3331 of 2010, to direct the 2nd respondent to include her name in the seniority list of candidates for Lab Technician Grade-III, Namakkal District. The said Writ Petition was disposed of, directing the petitioner to submit a fresh representation and in turn, the 2nd respondent was directed to pass orders within a time frame. The petitioner has given a representation dated 05.02.2014. On receipt of the same, the 2nd respondent assured that subject to renewal in the Employment Exchange and other rules and regulations, her name would be recommended. Since, there was no response, the petitioner filed W.P.No.15991 of 2015, to direct the 2nd respondent to include the petitioner's name in the final list of candidates for consideration to fill up 676 vacancies in the post of Lab Technician Grade-III. This Court, by order dated 05.06.2015, directed the 2nd respondent to consider the petitioner's representation, dated 26.05.2015, and pass appropriate orders within a time frame. Thereafter, the petitioner received a reply, on 30.06.2015, from the 2nd respondent stating that her name has been sponsored to the authority concerned, for consideration as per the registration seniority. The petitioner has again submitted a representation to the 3rd respondent, dated 06.07.2015, to consider her name for recruitment to the post of Lab Technician - Grade-III. The 3rd respondent, by letter, dated 18.09.2015, called upon the petitioner to apply online to the above said post. The petitioner applied online. But, she was not called upon for certificate verification so far. The petitioner has also sent a representation, dated 26.05.2015, to the Commissioner for Labour and Employment Department, seeking age relaxation. Till date, there was no response and hence, the present Writ Petition has been filed.

4. Mr.D.Shivakumaran, the learned counsel for the petitioner would submit that the petitioner has sought for age relaxation, because, it is not her fault, though, the post was available right from the year 2010, she has not been called for, through the Employment Exchange. He would further add that further selection

process of certificate verification has commenced, but, she has not been called for certificate verification and hence, she has made a representation, on 06.07.2015, to call upon her to appear for verification of her certificates/ documents stated in online application for recruitment to the post of Lab Technician - Grade-III, but, till date, it has not been considered. He would further add that the petitioner would be satisfied, if a direction is issued to the 3rd respondent to consider the representation given by the petitioner on 06.07.2015 along with the fresh representation to be submitted by her for age relaxation and to pass orders.

5. Mr.M.Dig Vijaya Pandian, the learned Additional Government Pleader, who takes notice on behalf of the respondents, would contend that already the selection process of certificate verification has commenced.

6. Taking into consideration the above submission made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the petitioner to submit a fresh representation to the 3rd respondent for age relaxation, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the 3rd respondent is directed to consider the representation of the petitioner, dated 06.07.2015, along with the fresh representation to be submitted by the petitioner for age relaxation, within a period of four weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

paa

To

1.The Commissioner and Special Commissioner
of Employment and Training
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Guindy, Chennai-600 032.

2.The District Employment Officer
District Employment Office
Namakkal.

3.The Member Secretary
Medical Services Recruitment Board (MRB)
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1 cc to Government Pleader, sr. 30528

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