

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.No.33702 of 2012
MP.Nos.1 and 2 of 2012

Sivasakthi

Petitioner

Vs

The District Collector,
Dharmapuri

Respondent

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the Respondent in proceedings in Na.Ka.No.23851/2012/M1, dated 25.10.2012 and to quash the same and to direct the Respondent to permit the Petitioner to join the duty.

For Petitioner : Mr.K. Balu

For Respondents : Mr.M.S.Ramesh, AGP

ORDER

In this Writ Petition, the Petitioner seeks for a direction to the Respondent to direct the Respondent to permit him to join the duty, by quashing the impugned order, dated 25.10.2012.

2. This Court heard and considered the submissions made by the learned counsel on either side and perused the materials placed on record.

3. One Boopathi, who was earlier working as a Panchayat Assistant, was removed from service. During the period of suspension of the said Boopathi, the Petitioner was appointed as the Panchayat Assistant. Thereafter, in WA.No.1782 of 2011 filed by the said Boopathi, he was reinstated and consequently, by the impugned order, the Petitioner was removed from the said post. Hence, this Writ Petition has been filed, with the prayer as stated above.

4. After some elaborate arguments by the learned counsel on either side, it is clearly brought to the notice of this court by the learned counsel for the Petitioner that even in the impugned order, the Respondent has categorically stated that the Petitioner was removed only pursuant to the direction

of this court and the Petitioner would be considered for the next vacancy as and when arises.

5. According to the Petitioner, there are presently 4 vacancies available and therefore, he may be considered in that vacancies.

6. The learned Additional Government Pleader for the Respondent, by filing a counter affidavit, would only contend that the prayer in this Writ Petition as such is not maintainable.

7. As rightly pointed out by the learned counsel for the Petitioner, even in the impugned order, a concession has been given by the Respondent that as and when the vacancy arises, in the next selection, the Petitioner would be considered. Since there are 4 vacancies available, it is for the Respondent to consider the representation of the Petitioner if she is eligible for the said post and the Respondent will consider and dispose of the same, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MP are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Srcm

To:

The District Collector, Dharmapuri.

+ 1 cc to M/s. M.R. Jothimani, Advocate SR.32235

WP.No.33702 of 2012

NR(CO)
Eu 29.6.16