

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.27620 of 2016

& WMP No.23800 of 2016

G.Ramu

... Petitioner

Vs.

1 The Director of Employment and Training,
Guindy, Chennai-32.

2 The District Employment Exchange Officer,
District Employment Office,
Vellore, Vellore District.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified mandamus, calling for the records on the file of the respondent order dated 24.6.2015 in A1/1622/2015 and to quash the same and issue consequential direction to respondent to fix the date of registration of the petitioner in employment exchange as 3.9.2011 instead of 5.9.2011 according fix the seniority of the petitioner from 3.9.2011 for the purpose appointment through employment exchange.

For Petitioner : Mr.T.Dharani

For Respondents : Mr.S.Gunasekaran

Addl. Govt. Pleader

ORDER

The present writ petition has been filed, challenging the order of the second respondent dated 24.6.2015 in A1/1622/2015 and issue consequential direction to respondents to fix the date of registration of the petitioner in employment exchange as 3.9.2011 instead of 5.9.2011 and accordingly, fix his seniority from 3.9.2011 for the purpose appointment through employment exchange.

2. It is the case of the petitioner that he completed SSLC in March, 2003 and H.S.C. in March, 2005 and registered the same in the District Employment Exchange on 3.6.2005 and the respondent office had given registration number as 3137/2005. The petitioner has been renewing the same periodically. Further, he has completed B.Sc. Computer Science Degree in the year 2008 and the same was registered on 30.8.2011 and he was allotted with another registration number as VLD2011M00136877 on 30.8.2011. Subsequently, he acquired B.Ed in May, 2011. As it became mandatory that additional qualification should be registered only through online, he was subjected to register his additional qualification through online. When he logged in using his first registration number, two registration numbers assigned to him for H.Sc. and Graduate degree were displayed and he was not able to register his additional qualification. Immediately, he rushed to the respondent office to rectify the same and the respondent after complete verification, stated that they were not able to rectify the same. When the petitioner questioned about his seniority from 3.9.2011, the second respondent assured that his seniority would be fixed from 3.9.2011 as there was no fault on his part. However, his seniority was fixed only from 5.9.2011 instead of 3.9.2011. Though he made a representation to the respondents to fix the seniority with effect from 3.9.2011, the same was not considered so far.

3. It is the further case of the petitioner that he married a lady belonging to Scheduled Caste Community and hence, he submitted an application dated 14.10.2014 to the respondents to register his name under the priority in appointment for inter-caste marriage. After verification of the certificates, the first respondent registered the petitioner's application under the priority in appointment for Inter-Caste marriage on 17.11.2014. Thereafter, the petitioner preferred a writ petition before this Court in W.P.No.15704 of 2015 to make necessary corrections in his date of registration and this Court, by order dated 4.6.2015 directed the respondents to consider his claim. Pursuant to the said direction, the second respondent by the impugned proceedings dated 24.6.2015, rejected the petitioner's application on the ground that the day of 3.9.2011 and 4.9.2011 were holidays i.e., Saturday and Sunday. But, the fact remains, the Directorate of Employment and Training in and by memo dated 2.9.2011 had issued instructions that all the employees and officers in the concerned employment exchange has to carry out the registration of B.Ed. on 3.9.2011 and 4.9.2011. It was further averred in point No.(2) that seniority has to be fixed from the date of registration. While the fact remains so, the second respondent without considering the above facts, had rejected the petitioner's claim on

untenable grounds. Hence, questioning the order passed by the second respondent, the petitioner has come up with the present writ petition.

4. Learned counsel appearing for the petitioner submitted that as per the memo dated 2.9.2011 issued by the first respondent in respect of fixation of seniority in the employment exchange, seniority should be fixed on the date of registration. Since the petitioner had registered on 3.9.2011, his seniority ought to have been fixed on 3.9.2011.

5. I have also heard the learned Additional Government Pleader appearing for the respondents.

6. Though the petitioner prayed for a larger relief, instead of giving such a positive direction, I am of the opinion, it would be appropriate to direct the second respondent to consider the case of the petitioner in the light of memo dated 2.9.2011 issued by the first respondent in respect of fixation of seniority in the employment exchange.

7. Accordingly, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to make a detailed representation to the second respondent along with a copy of this order, 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 same and pass appropriate orders on merits and in accordance with law and also in the light of memo dated 2.9.2011 issued by the first respondent in respect of fixation of seniority in the employment exchange, within a period of four weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sbi

To

1 The Director of Employment and Training
Guindy, Chennai-32.

2 The District Employment Exchange Officer
District Employment Office
Vellore, Vellore District

+1 CC to Mr. T. Dharani, Advocate Sr.NO.54648

+1 CC to Government Pleader, High Court, Madras Sr.No.55397

W.P.No.27620 of 2016

CA (CO)

MD : 13/10/2016



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