

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.33268 of 2016

A.Selvadurai

... Petitioner

Vs.

1.The Secretary to the Government,
Higher Education Department,
Fort St. George,
Chennai-600 009.

2.The Director of Collegiate Education,
Saidapet, Chennai-600 015.

3.The Regional Joint Director of Collegiate Education,
Saidapet, Chennai-600 0015.

4.The Secretary,
Sir Theagaraya College Committee,
345/1047, T.H.Road,
Oldwashermenpet,
Chennai-600 021.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the 3rd respondent to consider and pass orders on the representation dated 07.01.2015 made by the petitioner regarding reinstatement of the petitioner into service as Lab-Assistant in the 4th respondent -College and to grant all service and monetary benefits to the petitioner within the time to be stipulated by this Court.

For Petitioner : Mr.R.Chandrasekaran

For respondents : Mr.C.Jagadish, Spl. GP (For R1 to R3)
Mr.B.Ravi (For R4)

* * * * *

ORDER

This writ petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, to direct the 3rd respondent to consider and pass orders on the representation dated 07.01.2015 made by the petitioner regarding reinstatement of the petitioner into service as Lab-Assistant in the 4th respondent -College and to grant all service and monetary benefits to the petitioner within a time frame.

2.The brief facts of the case are as follows:-

2-1.According to the petitioner, he has studied upto X standard and he belonged to SC community. He joined the service as Record Clerk in the 4th respondent-College on 20.09.1988, through District Employment Exchange and his appointment was approved by the 2ndrespondent. Subsequently, he was promoted to the post of Lab Assistant with effect from

03.01.1992.

2-2.While so, on the basis of a complaint received from one G.Loganathan questioning the genuineness of the petitioner's community certificate as SC, the District Vigilance Committee conducted an enquiry and being not satisfied with the petitioner's explanation, the Chairman, District Vigilance Committee and the Collector of Chennai cancelled the community certificate of the petitioner. Challenging the said cancellation order, the petitioner had earlier filed W.P.No.4610 of 2008 before this Court. This Court by order dated 21.09.2011 dismissed the said writ petition. Thereafter, the petitioner was dismissed from service by the 4th respondent by order dated 07.05.2012. Aggrieved over the same, the petitioner had filed a writ petition in W.P.No.13702 of 2012 seeking reinstatement into service, considering his long service of 20 years. However, the said writ petition was also dismissed by this Court on 20.06.2012.

2-3.Thereafter, the petitioner made a representation dated 07.01.2015 to the 3rd respondent seeking to instate him into service. Since the petitioner's representation has not been considered, the petitioner has come forward with the present writ petition.

3.Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned counsel for the 4th respondent and perused the materials available on record.

4.Admittedly, the petitioner was dismissed from service as early as on 07.05.2012 on the allegation that he has got appointment by producing the bogus community certificate. Under such circumstances, this Court cannot entertain the prayer sought for by the petitioner in the present writ petition to direct the respondents to consider his representation for reinstatement. Hence, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

26.09.2016

Index : Yes/No
Internet : Yes/No
ssv

To

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R.SUBBIAH, J.

SSV

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