

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.34819 of 2016

and

W.M.P.No.29977 of 2016

K.Dilip Kumar

... Petitioner

vs.

1. The Deputy Director of Health Services,
O/o. Deputy Director of Health Services,
B Block, 2nd floor,
District collectorate,
Vellore- 9.

2. The District Collector,
Vellore.

... Respondents

Prayer :- Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to appoint the petitioner to the post of driver in General Health Services for Vellore region.

For Petitioner : Mr.J.Shanmugasundara Babu

For Respondents : Mr.P.Parthasarathi,
Gov. Advocate

सत्यमेव जयते
O R D E R

With the consent of both sides, the main writ petition itself is taken up for final disposal.

2. The writ petition has been filed seeking Mandamus directing respondents to appoint the petitioner to the post of driver in General Health Services for Vellore region.

3. The petitioner has completed SSLC in the year 2002 and had obtained driving license for heavy transport vehicles on 05.01.2005. The 1st respondent has invited application for appointment to the post of driver through Employment Exchange, Vellore Region and the petitioner had attended interview on 12.02.2016, which was

conducted by the first respondent. The petitioner has also submitted the documents sought for by the first respondent in its letter dated 03.02.2016. Since the petitioner has not received any communication in respect of appointment to the post of driver, he sent a letter on 02.04.2016 under Right Information Act seeking the particulars for the post of driver and the first respondent has given reply on 12.04.2016 intimating that 6 posts have been filled up out of 10 posts and remaining 4 posts are kept vacant.

4. The petitioner belongs to SC community and the respondent has filled up only one post instead 2 posts for SC community. Out of the 6 appointments made by the respondent, 3 persons, namely, S.Sarveshvaran, K.Subash Kumar and K.Panneer Selvam, who are juniors to the petitioner and they have obtained the license of Heavy Transport Vehicles only after the petitioner obtaining license. Hence, the petitioner sent a representation on 21.04.2016 to the first respondent seeking appointment to the post of driver and the same was received by the respondent on 23.04.2016. But, the respondent has not passed any order on the said representation till date. Hence, left with no other alternative, the petitioner has come up with the present writ petition.

5. The learned counsel for the petitioner submitted that if a direction is given to the first respondent to consider the representation, that would be sufficient.

6. In view of the same, this court, without going into the merits of the claim of the petitioner, directs the first respondent to consider the representation of the petitioner dated 21.04.2016 and pass appropriate order on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the first respondent to consider the claim of the petitioner purely on merits and in accordance with law.

7. With the above direction, the present writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

mrp

To

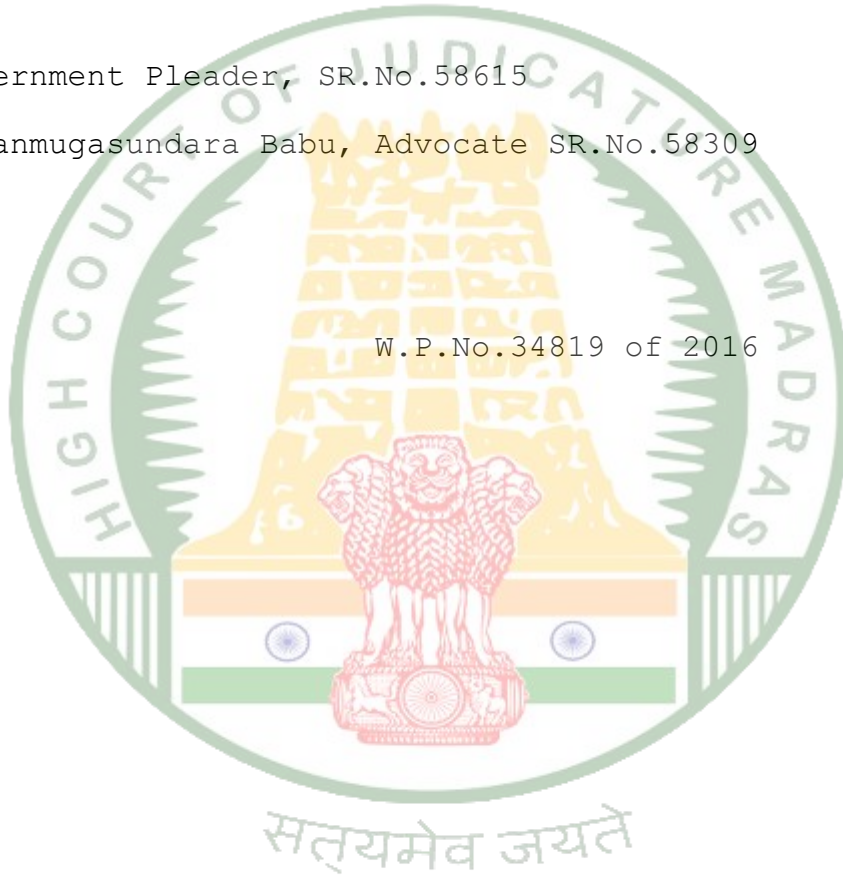
1. The Deputy Director of Health Services,
O/o. Deputy Director of Health Services,
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District collectorate,
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2. The District Collector,
Vellore.

+1 CC to The Government Pleader, SR.No.58615

+1 CC to Mr.J.Shanmugasundara Babu, Advocate SR.No.58309

CO-RJ

ths : 04.11.2016



W.P.No.34819 of 2016

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