

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.3552, 3553, 3589 and 3590 of 2016

Saraswathi	..	Petitioner in WP.No.3552 of 2016
A.Maragatham	..	Petitioner in WP.No.3553 of 2016
M.Sakthi	..	Petitioner in WP.No.3589 of 2016
S.Thavamani	..	Petitioner in WP.No.3590 of 2016

Vs

1. The District of Adi Dravidar Welfare
Chepauk, Chennai - 600 005
2. The District Collector
Salem District
3. The District Adi Dravidar and Tribal Welfare
Officer, Salem District ... Respondents in all WPs

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider and appoint the petitioner as cook by taking consideration of the services rendered by the petitioner as sweeper in the same department by considering the representation of the petitioners herein dated 05.11.2015, 12.11.2015, 12.11.2015 and 05.11.2015 respectively and confer all the consequential benefits.

For petitioner
in all petitions : Mr.R.Nalliyappan

For respondents
in all petitions : Mr. A.Kumar,
Special Government Pleader

C O M M O N O R D E R

These writ petitions are filed for a direction to the respondents to consider and appoint the petitioners as cook by taking consideration of the services rendered by them as sweeper in the same Department by considering their representation dated 05.11.2015, 12.11.2015, 12.11.2015 and 05.11.2015 respectively and confer all the consequential benefits.

2. Heard Mr. R.Nalliyappan, learned counsel for the petitioners in and Mr.A.Kumar, learned Special Government Pleader, who took notice for the respondents and with their consent, the main writ petitions are taken up for disposal.

3. The petitioners were originally sponsored by the Employment Exchange for the post of Sweeper and subsequently, they were appointed as Sweeper on 18.5.2012 in the hostel which is running by the office of the third respondent, namely, the District Adi Dravidar and Tribal Welfare Officer, Salem. While so, the respondents have called for the list of candidates from the Employment Exchange to fill up the eighty posts of cook in the Salem District. Since the petitioners were already sponsored by the Employment Exchange and they were appointed as Sweeper, their names were not sponsored for the post of Cook by the Employment Exchange. Taking this as a cause of action, the petitioners have come forward with these writ petitions seeking a direction that they should be considered for the post of Cook.

4. The learned counsel for the petitioners taking support from order passed by this Court in WP.No.36556 of 2015 dated 17.11.2015 submitted that this Court, in similar circumstances, directed the second and third respondents therein to consider the representation submitted by the petitioner therein and pass orders in accordance with law, within a period of six weeks from the date of receipt of a copy of that order and hence, the said order may be passed in these writ petitions also.

5. This Court is not inclined to entertain these type of prayer as the post of Sweeper and the post of Cook are filled up by separate and distinct selection procedure. Therefore, if at all the petitioners are eligible, they have to apply as per the Rules prescribed and without following the prescribed Rules, they have no locus standi to come to this court seeking a direction to appoint them to the post of Cook. This Court may not be able to find out whether the petitioners are meritorious persons to the post of Cook. Hence, I am of the view that the order passed in the aforesaid writ petition is not applicable to the facts of the present case.

There is no merit in the writ petitions and hence, the writ petitions are dismissed. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

1. The District of Adi Dravidar Welfare
Chepauk, Chennai - 600 005

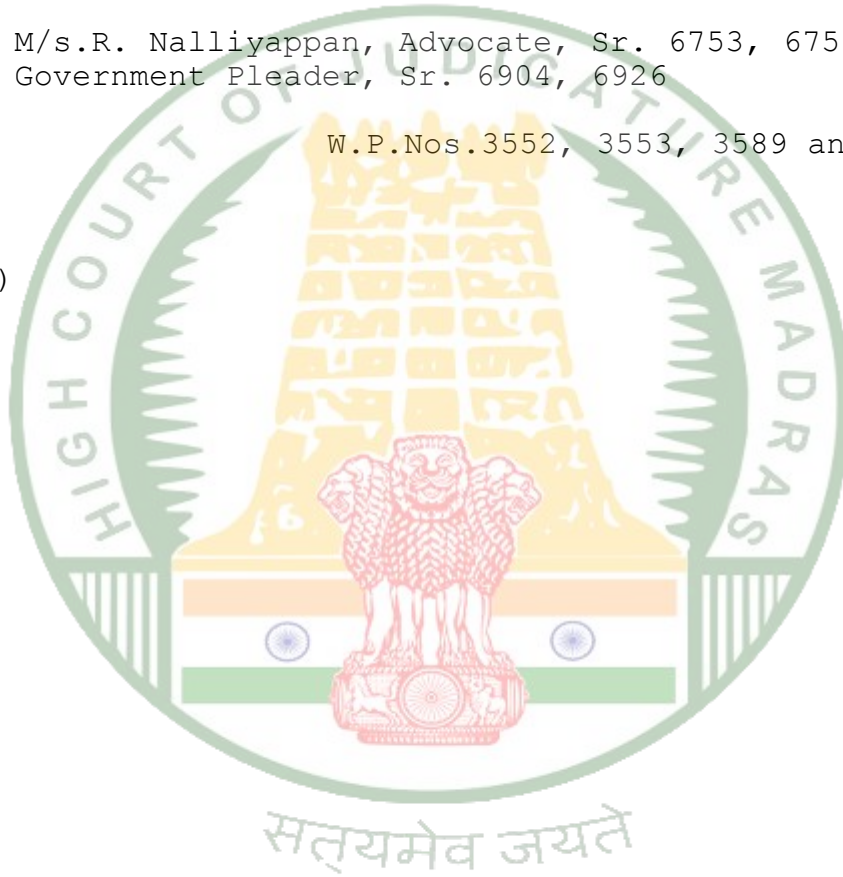
2. The District Collector
Salem District

3. The District Adi Dravidar and Tribal Welfare
Officer, Salem District

4 cc to M/s.R. Nalliyappan, Advocate, Sr. 6753, 6750, 6751, 6752
1 cc to Government Pleader, Sr. 6904, 6926

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