

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.42894/2016

M.Dinakaran

.. Petitioner

Vs.

1.The Secretary to Government
State of Tamil Nadu,
Tourism and Culture Department
Secretariat, Chennai-9.

2.The Principal Secretary & Commissioner
of Arts and Culture, Halls Road,
Egmore, Chennai-8.

3.The Principal
Government College of Fine Arts
EVR Periyar Road,
Chennai-3.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2nd respondent to forward the representation of the petitioner to Government and get orders restoring the appointment of the petitioner as Instructor as ordered in G.O [Ms] No.125, Tourism and Culture Department dated 08.06.2010, considering the representation dated 12.11.2012 signed on 16.11.2012 and following by the reminder dated 25.06.2015 made by the petitioner.

For Petitioner : Mr.P.Ganesan, for
M/s.C.S.Associates

For Respondents : Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhanajayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner would state after acquiring SSLC qualification in old pattern, he has qualified himself by acquiring Diploma in Painting, which is a five years course and registered his name with the jurisdictional Employment Exchange. The petitioner's father, while working as Warrant Officer in the services of Indian Air Force died and his mother is also no more and therefore, the petitioner made a representation praying for appointment on compassionate ground under the category of "Ex-Serviceman". The 1st respondent, after calling for a report, had issued an order of appointment, appointing the petitioner as an Instructor in Fine Arts College, Chennai vide G.O.Ms.No.125, Tourism and Culture Department, dated 08.06.2010 and however, the petitioner was given appointment only as

an Assistant Instructor. It is the specific case of the petitioner that he is qualified for the post of the Instructor and moreover, there is not post called "Assistant Instructor" in the 3rd respondent / Institution and therefore, the petitioner made a representation to the 2nd respondent through the 3rd respondent on 10.08.2011 and also followed by the reminder. The 3rd respondent has also forwarded the representation to the 2nd respondent on 20.11.2012 for consideration.

3 The learned counsel for the petitioner would submit that the petitioner is already aged 52 years and is left with only six years of service and he is also fully qualified to hold the post of Instructor and despite the fact that though there is no post of Assistant Instructor in the services of the 3rd respondent, curiously he has been appointed in the said post and in spite of very many representations submitted to the respondents to appoint him as Instructor, it has not been considered so far and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

4 Heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents and perused the materials placed before it.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in the writ petition, directs the 2nd respondent to take note of the Government Order in G.O.Ms.No.125, Tourism and Culture Department, dated 08.06.2010 and dispose of the representations of the petitioner dated 10.08.2011 ; 12.11.2012 ; and 25.06.2015 on merits and in accordance with law and pass orders on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs.

08.12.2016

Index : Yes / No

Internet : Yes / No

AP

To

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M.SATHYANARAYANAN, J.,

AP

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