



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Appeal (MD) No.1004 of 2016

WEB COPY

1.A.Jamarath Ali

2.A.Shajahan

3.M.Kajamohideen

...Appellants/Petitioners

-Vs-.

1.The Director,

Employment and Training, Guindy, Chennai-32.

2.The District Employment Officer,

Tirunelveli.

3.The Director,

Animal Husbandry and Veterinary Services,

Main Building, Phase-2, Chennai-6.

4.The Additional Director,

Animal Husbandry and Veterinary Services,

Main Building, Phase-2,

Chennai-6.

... Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent praying to allow the appeal and set aside the order dated 22.08.2013 made in W.P(MD)No.13847 of 2013.

Prayer in WP(MD). 13847/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records pertaining to the order passed by III Respondent in Na.Ka.No.34185/E2/2007 dated 27.8.2009 and quash the same and consequential directions directing the 1st respondent to include the petitioners names in the seniority list of persons qualified for getting slected for the post of Inspector of livestock Grade II, and the respondents III and IV to appoint the petitioners for the post of Inspector of Livestock Grade II with in a time frame fixed

For Appellants : Mr.B.N.Raja Mohamed

For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader.

JUDGMENT

(Judgment of the Court was delivered

by NOOTY.RAMAMOHANA RAO,J)

<https://hcservices.ecourts.gov.in/hcservices/> This Writ Appeal is directed against the order rendered in W.P (MD)No.13847 of 2015 by the learned Single Judge declining to exercise the discretionary jurisdiction in view of the following

circumstances:-

The State has undertaken recruitment to the posts of Livestock Inspector Grade-II and hence, called for the names of suitable and qualified candidates to be sponsored by the Employment Exchange. The recruitment is for the year 2007-2008. It appears that the selections were made and they were finalised and the selected candidates, against the 200 vacancies notified, have also been appointed. Unfortunately, the petitioners did not get selected. It is, however asserted that they were hoping that they will get selected, as they are having better credentials, but the fact remains that as on 09.02.2010, the necessary information has been brought to the notice of the petitioners that though the District Employment Exchange has sponsored their names, their names were not included in the short-listed candidates, in which, the last candidate, who was enrolled as on 25.03.1990, has been placed. Whereas, admittedly, the petitioners enrolled their names long subsequent to that date i.e, 25.03.1990. That was the reason why the names of the petitioners were not found place in the short-listed candidates and consequently, their cases were not considered for selection against 200 posts of Livestock Inspector Grade-II, the vacancies notified. Long subsequent thereto the writ petition came to be instituted in the year 2013 and at the admission stage itself the learned Single Judge dismissed the same on 22.08.2013, setting out that the claim of the petitioners herein is a belated one and there were laches on the part of the petitioners in initiating the necessary legal action in time.

2. Shri.B.N.Raja Mohamed, learned Counsel for the petitioners/appellants would submit that there is no prescribed period of limitation for a writ petition to be entertained under Article 226 of the Constitution of India. Without examining the merits of the claim made by the petitioners, the writ Court should not have declined the case. Finally, the learned Counsel submitted that without having complete information in their grasp, the petitioners could not have run to this Court at any earlier point of time and hence the time taken for that purpose should not have been put against them.

3. It is true, that there could not have been any specified time frame that can be fixed for exercise of jurisdiction of the High Court under Article 226 of the Constitution of India. But, it does not mean that the aggrieved person can approach the Court at any point of time later on. A reasonable period of one year or at least upto three years, if there are good and sufficient reasons for not approaching the Court promptly, offers justification for the High Court to entertain a *lis*.

4. In the instant case, the selections were made in the year 2007-2008 and the information about the non-selection of the petitioners was made available to them in February 2010. More than three years, thereafter, the writ petition came to be



instituted and in the meantime, another round of selections has also been completed for the year 2008-2009. Thus, the third party interests have been allowed to creep in.

5. This apart, when 200 vacancies were notified for recruitment, the State could have legitimately recruited 200 people. They can either recruit 200, or for justifiable reasons, less than this number, but not more. In the instant case, if the plea of the petitioners were to be upheld, that would result in displacement of three of the selected candidates joined and working as well for the past few years. Therefore, unforeseeable hardship can be caused to such individuals. Further, such individuals have not been impleaded to this petition either.

6. Therefore, the present writ appeal is a kind of futile exercise and hence, in our opinion, the learned Single Judge has very correctly declined to entertain the writ petition and hence the writ appeal fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

gsr

TO

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

2. The District Employment Officer,
Tirunelveli.

3. The Director,
Animal Husbandry and Veterinary Services,
Main Building, Phase-2, Chennai-6.

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Animal Husbandry and Veterinary Services,
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Chennai-6.

+1cc to M/S Special Government Pleader, Sr No. 47410
JAM/SS 2/15.09.16/ 3p-6c