



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2016

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal(MD) No.9 of 2016
and
C.M.P (MD) No.33 of 2016

C.Thangapandi

... Appellant

Vs.

1. The Principal Director,
Office of the Principal Director,
Highways Department,
Chepauk, Chennai 05.
2. The Chief Engineer,
(Highways),
Quality Control and Research Office,
Sardarvallabhai Patel Road, Kindi,
Chennai 25.
3. The Joint Director,
(Administration),
Office of the Principal Director,
Highways, Chepauk, Chennai 5.
4. The District Employment Officer,
Virudhunagar District Employment Exchange,
Virudhunagar District,
Virudhunagar.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent
against the order dated 04.12.2015 made in W.P.(MD)No.21667 of
2015.

Prayer in WP(MD). 21667/ 2015 :

Petition filed under Article 226 of the Constitution of
India, praying this Court for issuance of a Writ of Mandamus
directing the respondents 1 to 3 to consider the Petitioner's
representation dated 17.11.2015 within the stipulated period.



For Appellant : Ms.Lakshmi Gopinathan
for M/s.Polax Legal Solutions
For Respondents : Mr.A.K.Baskarapandian,
Special Government Pleader.

WEB COPY

JUDGMENT

(Judgment of the Court was delivered by V.RAMASUBRAMANIAN,J)

The appeal arises out of an order passed by the learned Judge dismissing a writ petition filed by the appellant.

2.Heard Ms.Lakshmi Gopinathan, learned counsel for the appellant.

3.The appellant belongs to the Scheduled Caste (Arunthathiyar) community. He holds a Diploma in Civil Engineering.

4.It appears that the appellant participated in the selection to the post of Junior Drafting Officer in the Highways Department. Though the qualification prescribed for the post is only a Diploma in Engineering, the respondents appear to have selected only those candidates with higher qualification.

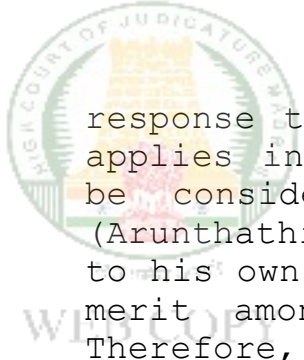
5.Therefore, when a notification was issued on 26.10.2015, the appellant made a representation to consider his candidature without giving preferential treatment to degree holders. Thereafter, the appellant came up with a writ petition in W.P(MD)No.21667 of 2015 to consider his representation. But the learned Judge dismissed the writ petition on the ground that when persons belonging to the very same Scheduled Caste (Arunthathiyar) community with higher qualification have been selected, the appellant cannot have a grievance. Aggrieved by the said order, the appellant is before us.

6.Admittedly, the qualification prescribed for the post is a Diploma in Engineering. Admittedly, the persons who are selected from the Scheduled Caste (Arunthathiyar) community have got a Degree in Engineering.

7.The grievance of the appellant is that neither the rules nor the notification indicate any preferential treatment to degree holders. It may be so. But we do not know how the appellant presumes that the selected candidates were given preferential treatment over him only on account of having a degree. There is no material to show that only by granting preferential treatment to degree holders they have been selected.

<https://hcservices.ecourts.gov.in/hcservices/>

8.The question of consideration of representation does not arise since the appellant is always entitled to apply in



response to the notification dated 26.10.2015. If the appellant applies in response to the notification dated 26.10.2015 he will be considered under the quota reserved for Scheduled Caste (Arunthathiyar) community, on par with other candidates belonging to his own community and the selection will be based upon *inter se* merit among the candidates belonging to the same community. Therefore, the writ appeal is dismissed. No costs. Consequently, C.M.P(MD)No.33 of 2016 is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Director,
Office of the Principal Director,
Highways Department,
Chepauk, Chennai 05.
2. The Chief Engineer,
(Highways),
Quality Control and Research Office,
Sardarvallabhai Patel Road, Kindi,
Chennai 25.
3. The Joint Director,
(Administration),
Office of the Principal Director,
Highways, Chepauk, Chennai 5.
4. The District Employment Officer,
Virudhunagar District Employment Exchange,
Virudhunagar District,
Virudhunagar.

+ 1 CC TO M/S.POLEX LEGAL SOLUTIONS, ADVOCATE IN SR NO. 1225/16
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 1063

SMS

TE/JGB-DP/ : 25/01/2016 : 3P/7C

Writ Appeal(MD) No.9 of 2016
and
C.M.P (MD)No.33 of 2016
06.01.2016