

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8/9/2017

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Appeal Nos.1036 and 1037 of 2017

M.Rajamanickam ...Appellant in W.A.No.1036/2017

K.M.Radha ...Appellant in W.A.No.1037/2017

Vs.

1. The District Collector
Office of the District Collector
Dharmapuri District.
 2. The Director of Employment
Chepauk
Chennai.
 3. The District Employment Officer
Office of the District Employment Officer
Dharmapuri Taluk
Dharmapuri District
Tamil Nadu.
- ...Respondents in both
the writ appeals

Appeals filed under Clause 15 of the Letters Patent against the orders passed in W.P.Nos.13904 and 13903 of 2017, dated 6/6/2017.

Prayer in W.P. No.13903 & 13904 of 2017:

Petitions under Articles 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 3rd respondent to consider the petitioners representation dated 24.04.2017 duly addressed to the respondent herein and thus send an interview letter to the petitioner as and when vacancy arises for any post suitable to the qualification of the petitioner

For appellants : Mr.D.Ashok Kumar

C O M M O N J U D G M E N T
(Judgment of the Court was made by S.MANIKUMAR, J)

M.Rajamanickam and K.M.Radha, have filed W.P.Nos.13903 and 13904 of 2017, respectively, for a mandamus, directing the District Employment Officer, Dharmapuri District, to consider their representations, dated 24/4/2017, and send interview letters to them, as and when vacancy arises, for any post suitable to their qualification.

2. Considering the similarity in the prayers, both the writ petitions have been heard together and vide, common order, dated 6/6/2017, in W.P.Nos.13903 and 13904 of 2017, writ Court, at para No.2, ordered as hereunder:-

"But this Court may not be in a position to give any such direction. The reason is that when the petitioner in W.P.No.13903 of 2017 has admitted that he was issued twice the interview card by the third respondent, the third respondent, as per the seniority and qualification, will consider the case of the petitioners for sponsorship as and when any vacancy arises or as and when any request/representation is made to the third respondent by any office in this regard. Therefore, this Court is not able to find any merit in the writ petitions. Accordingly, the writ petitions fail and they are dismissed. No costs."

3. Assailing the correctness of the common order, dated 6/6/2017, instant Writ Appeal Nos.1036 and 1037 of 2017 have been filed.

4. Though Mr.D.Ashok Kumar, learned counsel for the appellants, reiterated the same submissions made before the writ Court that after bifurcation of Dharmapuri District into two Districts, namely Dharmapuri and Krishnagiri, call letters were not sent immediately and in as much as the appellants belong to the weaker section of the society, and therefore, their case requires to be considered, this Court is not inclined to accept the said contentions, for the reason that the writ Court, after adverting to the submissions of the learned counsel for the petitioners has rightly held that as per seniority and qualification, case of the petitioners would

be considered by the third respondent for sponsorship and as and when vacancy arises or as and when any request/representation is made to the third respondent by any office in this regard.

5. Though writ Court has observed that the case of the appellants would be considered, as above, inviting the attention of this Court to the last sentence of the common order, that the writ Court, as dismissed, it is the apprehension of Mr.D.Ashok Kumar, learned counsel for the appellants that the respondents herein may not consider the case of the appellants, which in our opinion, may not be correct, but nevertheless, by deleting the last sentence, if the appellants stand to gain, we are not inclined to do so.

6. In the result, last sentence of the order, dated 6/6/2017, i.e., writ petitions dismissed, is deleted.

7. With the above modification, the Writ Appeals are disposed of. Rest of the portion of the common order is retained. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mvs.

To

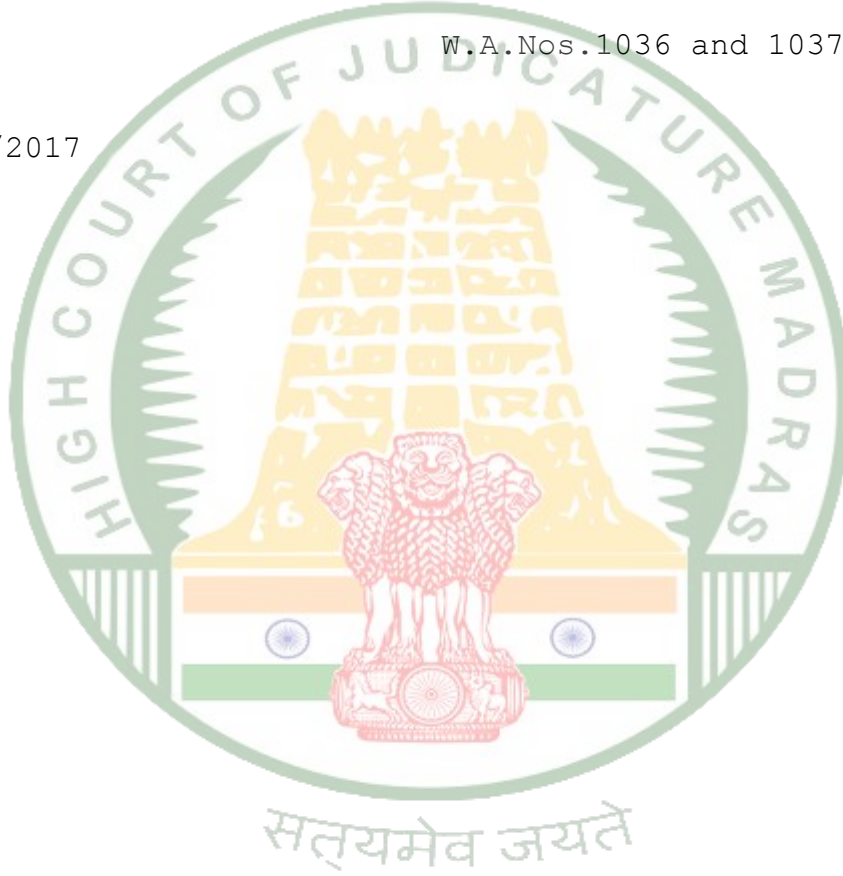
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+lcc to the Government Pleader, S.R.No. 65625

W.A.Nos.1036 and 1037 of 2017

PPA (CO)
PSI 28/10/2017



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