

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition Nos.11262 & 11263 of 2017
and W.M.P.Nos.12188 to 12191 of 2017

M.Poonkuzhali ... Petitioner in
W.P.No11262 of 2017
K.Girija ... Petitioner in
W.P.No11263 of 2017

vs

1. The State of Tamil Nadu,
rep. by its Secretary,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai - 600 009.
 2. The Commissioner/Director of Rural Development,
Panagal Building,
Saidapet, Chennai - 600 015.
 3. The District Collector,
Kanchipuram District at Kanchipuram.
- Respondents in both WPs.

Writ Petitions are filed under Article 226 of Constitution of India to issue a Writ of Mandamus to direct the respondents to forthwith consider the claim of the petitioner for absorption as Junior Assistants/Computer Assistants in any of the existing vacancies with all consequential service benefits thereto by allowing her to take part in the ensuing Special Qualifying Test to be held pursuant to G.O.Ms.No.37, Rural Development and Panchayat Raj (E5) Department dated 22.03.2017 and by publication of the results thereto.

For Petitioners (in both WPs): Mr.L.Chandrakumar

For Respondents : Mr.T.M.Pappiah,
Special Government Pleader

O R D E R

The petitioners were appointed as Computer Assistants by way of out-sourcing under the respondents in terms of the Mahatma Gandhi National Rural Employment Guarantee Scheme on a consolidated pay of Rs.4,000/- per month. Subsequently, on 4.8.2009, their pay was re-fixed at Rs.7,500/- per month. Again the respondents re-fixed their pay at Rs.11,500/- per month. With the aforementioned benefits, the petitioners are all working as Computer Assistants for more than ten years. Thereafter, by proceedings dated 24.5.2013, the second respondent also addressed the respondents/District Collectors for furnishing the list of Computer Assistants senioritywise for absorption in the sanctioned vacancies. It is at this stage the first respondent has issued G.O.(Ms.)No.37, Rural Development and Panchayat Raj (E5) Department dated 22.3.2017 for absorption of 906 Computer Assistants working under the Mahatma Gandhi National Rural Rural Employment Guarantee Scheme as Junior Assistants by way of conducting a special qualifying test through TNPSC and the said Government Order also gives priority to the candidates who were sponsored from the employment exchange and subsequently completed five years of service. But, in the cases on hand, since the petitioners are all working for more than ten years, they have made representations to the respondents to allow them to take part in the special qualifying test for the purpose of absorption to the said post by considering their continuous employment.

2. Mr.T.M.Pappiah, learned Special Government Pleader takes notice on behalf of the respondents.

3. Although the petitioners were engaged as Computer Assistants on consolidated pay by way of outsourcing in terms of the Mahatma Gandhi National Rural Employment Guarantee Scheme way back in the year 2007, considering the fact that they are all working for more than ten years, this Court finds no impediment for the respondents to consider their representations. Accordingly, the respondents are directed to consider the representations of the petitioners for allowing them to take part in the ensuing special qualifying test for the post of Junior Assistant as notified in G.O.(Ms.) No.37, Rural Development and Panchayat Raj Department dated 22.3.2017, taking note of their continuous employment, and pass appropriate orders positively within a period of four weeks from the date of

receipt of a copy of this order. With this direction, the writ petitions are disposed of accordingly. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The State of Tamil Nadu
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner/Director of Rural Development,
Panagal Building,
Saidapet, Chennai - 600 015.
3. The District Collector,
Kanchipuram District at Kanchipuram.

+2cc to Mr.Chandrakumar, Advocate, S.R.No.36367
+1cc to the Government Pleader, S.R.No.36535

सत्यमेव जयते W.P Nos.11262 & 11263 of 2017
and W.M.P.Nos.12188 to 12191 of 2017

MG (CO)
CS (24/05/2017)

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