

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2017

CORAM

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER

And

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.32808 of 2017

Karthikeyan

... Petitioner

Vs.

1.The Registrar General,
High Court of Madras,
Madras.

2.The Principal District Judge,
District Court,
Dharmapuri District.

3.The Principal District Judge,
District Court,
Ariyalur District.

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India seeking Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 13.11.2017 requesting to give job priority for the petitioner.

For Petitioner : Mr.V.Sakkarapani
For Respondents : Mr.P.Kannan Kumar

O R D E R

(Order of the Court was made by RAJIV SHAKDHER,J.)

1.Issue notice. Mr.P.Kannan Kumar, Advocate, accepts notice on behalf of respondent nos.1 to 3.

2.The only grievance that the petitioner has, is that, his application, for appointment to the post of Office Assistant and other posts in the District Court at Ariyalur, was wrongly rejected.

3.Our attention, has been drawn, to the acknowledgement due card, which shows that the petitioner, had addressed the application, to the Ariyalur District Court.

3.1.It appears, upon perusal of a copy of the

acknowledgement due card, that the Postal Department, had stamped the said card in a manner which was indicative, albeit erroneously, of the fact that it required the envelope to be despatched to the District Court at Dharmapuri.

3.2.The concerned person at District Court, Dharmapuri, without examining the details who was the addressee, accepted the application. Resultantly, the petitioner's application, which had to reach the District Court at Ariyalur, by 23.11.2016, was rejected as it was received beyond the cut off date.

4.The petitioner, however, upon getting to know the fact, that the original application had been received at the District Court at Dharmapuri, had, concededly, sent a fresh application, which was not entertained as indicated above, by the Ariyalur District Court, on the ground, that it was received by them, beyond the cut off date.

5.We are told, by the learned counsel for the respondents, that the process of selection has not commenced, as yet.

6.The aforesaid facts, do demonstrate that the Post Office, had wrongly despatched the petitioner's application to Dharmapuri, whereas, it should have been despatched, to the Ariyalur District Court.

6.1.The error, was compounded, in the sense, by the concerned Officer, who was positioned at the District Court at Dharmapuri, by accepting the application, which was not addressed to that Court.

6.2.It is, in these circumstances, that the petitioner's application could not reach, the District Court at Ariyalur, prior to the cut off date, i.e., 23.11.2016.

7.Having regard to the aforesaid circumstances, we are of the view, that the petitioner cannot be faulted, for the error, committed by the recipient, i.e., the concerned Officer at District Court, Dharmapuri District.

7.1.Since, in any event, the selection process has not commenced, we are of the opinion that no prejudice would be caused, if the petitioner's application, is also considered by respondent no.3.

8.In these circumstances, the writ petition is disposed of. Respondent no.3, will consider the petitioner's application, for the posts in issue, in accordance with law. No costs.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1.The Registrar General,
High Court of Madras,
Madras.

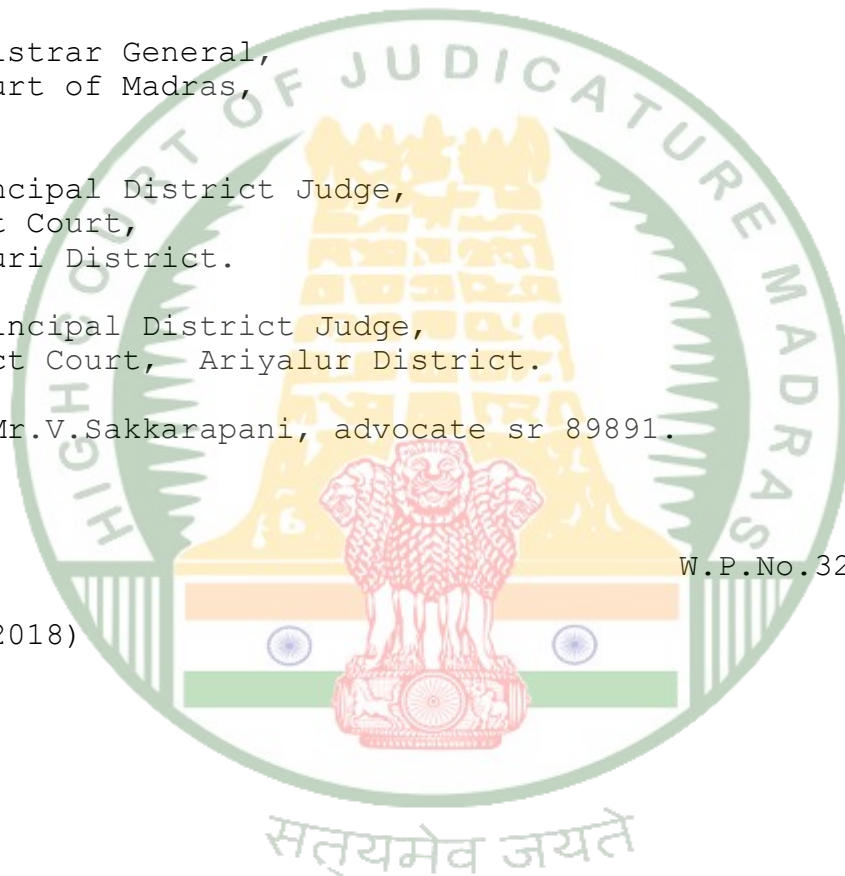
2.The Principal District Judge,
District Court,
Dharmapuri District.

3 The Principal District Judge,
District Court, Ariyalur District.

+1 CC to Mr.V.Sakkarapani, advocate sr 89891.

W.P.No.32808 of 2017

SP(10/01/2018)



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