

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14348 of 2017

1. K.Arulmozhidevan
2. K.Velmurugan .. Petitioners

-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
Cuddalore District at Cuddalore ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to forthwith consider the claim of the petitioners for absorption of them as Junior Assistants/Computer Assistants in any of the existing vacancies with all consequential service benefits thereto by allowing them 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:: Mr.L.Chandrakumar

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

ORDER

The petitioners have come to this Court seeking issuance of a writ of mandamus, directing the respondents to forthwith consider their claim for absorption as Junior

Assistants/Computer Assistants in any of the existing vacancies with all consequential service benefits thereto by allowing them to take part in the ensuing Special Qualifying Test, 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.

2. The petitioners have possessed the qualification of Bachelor of Science (B.Sc.) and Diploma in Computer Application (D.C.A.). Therefore, when a scheme called "The Tamil Nadu Rural Employment Guarantee Scheme under the National Rural Employment Guarantee Act, 2005 was introduced, they were appointed through sponsorship as Computer Assistants on 8.3.2007 and 23.6.2009 with an initial consolidated pay of Rs.4,000/-, which was revised to Rs.7,500/-. Presently, they are drawing a sum of Rs.11,500/- per month. Subsequently, when G.O.Ms.No.37, Rural Development and Panchayat Raj Department dated 22.3.2017 was issued for holding the Special Qualifying Test for the purpose of absorption of these type of Computer Assistants as Junior Assistants who have rendered five years of service as on 30.9.2015, the names of the petitioners have been omitted to be included in the list of persons for writing the Special Qualifying Test, for the reason that they failed to possess the Bachelor Degree in Computer Application. Therefore, they have come to this Court seeking the aforementioned prayer. It is also stated that in similar circumstances, this Court, while disposing of W.P.Nos.11262 & 11263 of 2017 vide order dated 28.4.2017, directed the respondents to consider the representation of the petitioners therein 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, keeping in mind their continuous employment and also to pass appropriate orders.

3. Mr.T.M.Pappiah, learned Special Government Pleader, taking notice on behalf of the respondents, submitted that a similar direction may be issued in this writ petition.

4. Recording his statement and considering the fact that the petitioners were appointed on 8.3.2007 and 23.6.2009 through employment exchange and have been presently working, 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/Computer Assistant as notified in G.O.(Ms.) No.37, Rural Development and Panchayat Raj Department dated 22.3.2017 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 petition is disposed of accordingly. Consequently, W.M.P.No.15567 of 2017 is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

SS

To

1. The Secretary to Government
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
Cuddalore District at Cuddalore

+2cc to Mr.L.Chandrakumar, Advocate, S.R.No.41240
+1cc to the Government Pleader, S.R.No.41434

सत्यमेव जयते

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SSI (CO)
RS (22/06/2017)

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