

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3645 of 2017

and W.M.P.No.3679 of 2017

1.R. Rajikumar  
2.S. Sakthi  
3.V. Dhanapal  
4.C. Arumugam  
5.A. Radhika  
6.K. Manjula  
7.M. Santhanam

..Petitioners

Vs

1.The State of Tamil Nadu  
represented by its Secretary,  
Adi Dravidar and Tribal Welfare Department,  
Secretariat, Fort St. George,  
Chennai - 600 009

2.The Director of Adi Dravidar Welfare,  
Chepauk,  
Chennai - 600 005

3.The District Collector,  
Krishnagiri District,  
Krishnagiri

4.The District Adi Dravidar & Tribal Welfare Officer,  
Krishnagiri District,  
Krishnagiri

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioners for promotion/regular appointment to the post of Cook in Government Adi Dravidar Welfare Hostels in Krishnagiri District in the existing vacancy on preferential basis, before resorting to direct recruitment to fill up the post of Cook, by considering the representation dated 01.02.2017 submitted by the petitioners for appointment to the post of Cook.

For Petitioners : Mr.G. Sankaran

For respondents :Mrs.Rani Selvam  
Additional Government Pleader.

O R D E R

By consent, the writ petition is taken up for final disposal. Mrs.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the respondents.

2. The petitioners were appointed as Sanitary workers in the Government Adi-Dravidar Welfare Hostel in Krishnagiri District on consolidated pay of Rs.2,000/- per month through employment exchange based on the Government order issued in G.O.Ms.No.26, Adi Dravidar and Tribal Welfare department dated 25.02.2011 and all of them claim that they are working continuously from the date of appointment. It is further averred by the petitioners that the 4th respondent has issued paper notification / advertisement inviting applications from eligible persons to fill up 5 male and 3 female cook posts belonging to Scheduled Caste/ Schedule Tribe community residing in Krishnagiri District and that they should be able to cook both vegetarian and non-vegetarian dishes. It is the claim of the petitioners, that they were working as scavengers for quite a long time and as per the relevant rules, they are also eligible to be considered for selection and appointment to the post of Cook and their claim has to be considered first. In this regard, they have submitted a joint representation dated 01.02.2017 to the 4th respondent and since no orders have been passed, they came forward to file this writ petition.

3. Mr.G.Sankaran, learned counsel appearing for the petitioners would submit that the petitioners know cooking also and therefore, there cannot be any impediment in considering the claim of the petitioners by according priority and prays for appropriate orders.

4. Per contra, Mrs.M.E.Rani selvam, learned Additional Government Pleader would submit that it is not even the specific case of the the petitioners that they know cooking and further they have not registered their name in the employment exchange for the post of cook and therefore, they cannot claim as a matter of right for selection to the post of cook and prays for dismissal of the writ petition.

5. This Court, considered the rival submissions and perused the materials placed on records.

6. Though the petitioners pray for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by them, either in the writ petition or in the representation, directs the petitioners to submit a detailed representation to the 4th respondent within a period of two weeks from the date of

the 4th respondent is directed to consider the said representation on merits and in accordance with law and pass orders within a further period of four weeks thereafter after putting on notice to the persons concerned and communicate the decision taken to the petitioners as well as the persons concerned. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary,  
State of Tamil Nadu,  
Adi Dravidar and Tribal Welfare Department,  
Secretariat, Fort St. George,  
Chennai - 600 009
- 2.The Director of Adi Dravidar Welfare,  
Chepauk, Chennai - 600 005
- 3.The District Collector,  
Krishnagiri District,  
Krishnagiri
- 4.The District Adi Dravidar & Tribal Welfare Officer,  
Krishnagiri District,  
Krishnagiri

+1cc to the Government Pleader, High Court, Madras in SR.  
10245

+1cc to G.Sankaran, Advocate in SR. 9804

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AD(CO)  
VR(27/02/2017)