

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-12-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7880 of 2010

Pondicherry Union Territory Municipalities,
SJSRY Night School Tuition Teachers Welfare
Association and it is also known as
Pondicherry Union Territory Municipality SJSRY,
Perunthalaivar Kamarasar Night School
Teachers Welfare Association,
(Registration No.1183/2005,
37, New Street, Bhumaiyanpet,
Pondicherry-5. ... Petitioner

-vs-

- 1.Union Territory of Pondicherry,
Represented by its Chief Secretary,
Pondicherry.
- 2.Government of Pondicherry,
Represented by its Secretary,
Local Administration Department,
Pondicherry.
- 3.Government of Pondicherry,
Represented by its Secretary,
Department of Adi Dravidar Welfare,
Pondicherry. .. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents from appointing other than the teachers who had worked as Nigh School Tuition Teachers and including the members of the petitioner's Association to the post of Nigh School Tuition Teachers without considering the claims of the members of the petitioner's Association. [prayer amended as per order of Court made in M.P.No.2 of 2010 dated 23.4.2010].

For Petitioner - Mr.A.Muthukumar

For Respondents - Mr.A.S.Baradhi,
Government Advocate (Pondicherry).

ORDER

The relief sought for in this writ petition is to forebear the respondents from appointing other than the Teachers who had worked as Night School Tuition Teachers and including the members of the petitioner's Association to the post of Night School Tuition Teachers without considering the claims of the members of the petitioner's Association.

2. This Court is of the opinion that the petitioner's Association cannot claim any monopoly in respect of engagement of Night School Tuition Teachers. In fact, all appointments or engagements are to be undertaken under the provisions of the rules in force and equal opportunity for public employment is a constitutional mandate. It is not, as if, the members of the petitioner's Association alone to be engaged or appointed. All the eligible persons, who are all submitting applications or participating in the process of selection, to be considered for engagement or appointment to the post of Night School Tuition Teachers.

3. However, to the limited extent that the members of the petitioner's Association, are already worked for few years, their cases are also to be considered along with other eligible candidates, who are all participating in the process of selection in accordance with law.

4. Undoubtedly, the appointments or engagements ought to have been provided as per the rules in force. This being the principles to be followed by the respondents, this Court is of the opinion that it is suffice if a direction is issued to the respondents to consider the case of the writ petitioner in accordance with law.

5. Thus, without going into the merits of the matter, the respondents are directed to consider the representation submitted by the writ petitioner on 2.11.2009 and pass orders on merits and in accordance with law, as early as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representation along with the order passed in this writ petition.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

Svn

To

- 1.The Chief Secretary,
Union Territory of Pondicherry,
Pondicherry.
- 2.The Secretary,
Government of Pondicherry,
Local Administration Department,
Pondicherry.
- 3.The Secretary,
Government of Pondicherry,
Department of Adi Dravidar Welfare,
Pondicherry.

+1cc to Mr.A.Muthukumar, Advocate in sr.no.86512

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