

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2017

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.3031 of 2011

and

M.P.No.1 of 2012

N.Raja

... Petitioner

Vs.

The Assistant Director (General),
District Employment Exchange Office,
Santhome,
Chennai - 600 004.

... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order dated 16.09.2010 made in B3/11600/2010 issued by the respondent and quash the same and consequently direct the respondent to include the name of the petitioner in the register maintained by the respondent and sponsor the name of the petitioner in future employment vacancies.

For Petitioner : M/s.R.Thiagarajan

For Respondents : Mrs.P.Rajalakshmi
Government Advocate

सत्यमेव जयते
O R D E R

The writ petition is filed with the prayer of writ of certiorarified mandamus to call for the records relating to the order dated 16.09.2010 made in B3/11600/2010 issued by the respondent and quash the same and consequently direct the respondent to include the name of the petitioner in the register maintained by the respondent and sponsor the name of the petitioner in future employment vacancies.

2. According to the petitioner, the petitioner was working as Conductor in the Metropolitan Transport Corporation Limited, Chennai. At that time, the petitioner was not given regular

employment by the Transport Corporation. The petitioner belongs to Scheduled Caste community. He has acquired highest education qualification such as B.Com, D.Cop., and DNCC. Therefore, he made a representation dated 27.08.2010 to the respondent in person. The respondent by the impugned order dated 16.09.2010 informed that the petitioner should obtain "No Objection Certificate" from the employer for entering the additional qualification in the register so as to enable the respondent to recommend his name for higher post. Thereafter, he moved before the respondent by invoking the provisions of Right to Information Act. The authority replied on 20.10.2010 that the name of the petitioner, who has got appointment only on daily wages basis, will not be deleted. Since the respondent has clarified the position himself, he was genuinely hoping that his name will be included in the register and his name will be sponsored in the future vacancies.

3. By way of filing the counter affidavit, the learned Government Advocate would submit that the petitioner has produced No Objection Certificate. Pending the writ petition, his service has been regularized. However, the only request of the petitioner is to sponsor his name to the Chennai Co-operative Bank if he is otherwise eligible. It is submitted that the question of community etc., are irrelevant to the present case in hand. If he thought his name should be sponsored to the higher post, he might have produced "No Objection Certificate" as informed by the respondent in letter dated 16.09.2010. Therefore, this Court has to pass appropriate orders in the writ petition.

4. Taking into consideration the said submissions made by the learned Government Advocate, this Court is of the view that there is no prima facie case made out to entertain the writ petition. This Court finds that the writ petition deserves no consideration and the same is liable to be dismissed on the ground of devoid of merits. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner, to approach his employer/Metropolitan Transport Corporation Limited, Chennai, for obtaining "No Objection Certificate" to retain his other qualifications in the employment office register, to get his name sponsored to higher posts. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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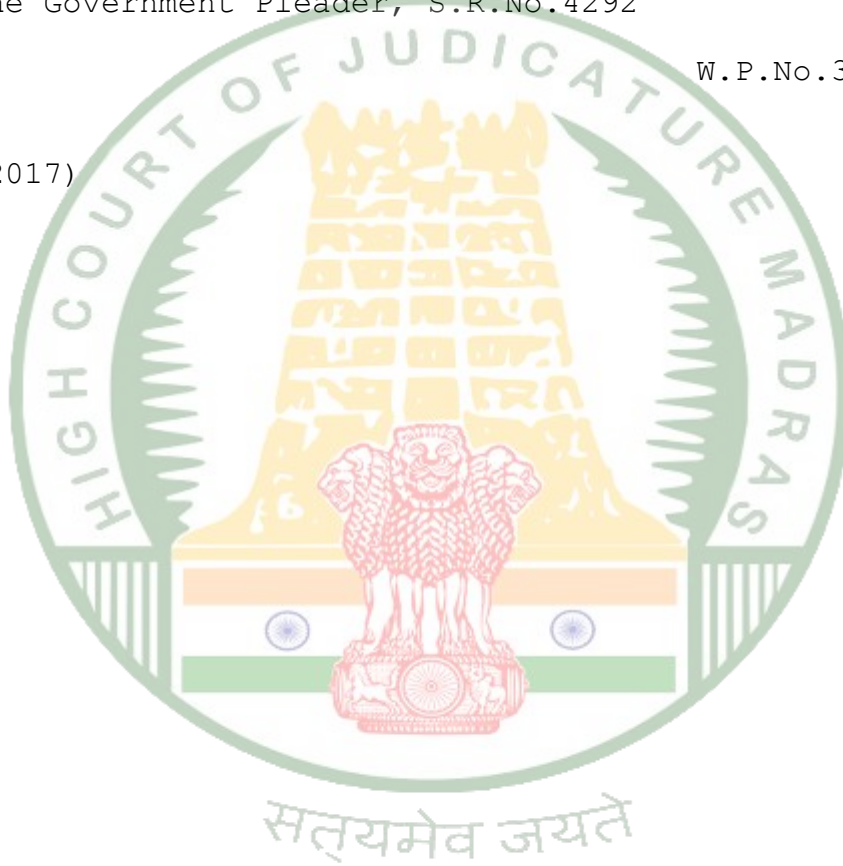
To

The Assistant Director (General),
District Employment Exchange Office,
Santhome,
Chennai - 600 004.

+lcc to Mr.R.Thiagarajan, Advocate, S.R.No.4152
+lcc to the Government Pleader, S.R.No.4292

W.P.No.3031 of 2011

GJ(CO)
CA(05/04/2017)



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