

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.29050 of 2017

and

WMP.No.31279 of 2017

Lavan

.. Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. By its Secretary to the Dept.
of Adi-Dravidar Welfare,
Fort St. George,
Chennai - 9.
- 2.The Director and Commissioner,
Office of the Department of the Tribal Welfare,
Ezhilagam, Chempauk,
Chennai - 5.
- 3.The Collector of Nilagiri District,
Udhagamandalam,
Nilagiri District.
- 4.The District Adi-Dravidar and
Scheduled Tribes Welfare Officer,
Udhagamandalam-643 200
Nilagiri District.
- 5.The District Employment Officer,
District Employment Exchange,
Udhagamandalam 643 200
Nilagiri District.
- 6.M.Vasantha
- 7.T.Jayaprakash
- 8.S.Marudhachalam
- 9.M.Sudhakaran
- 10.R.Kala
- 11.M.Chandrasekhar
- 12.M.Umesh
- 13.S.Dhanalakshmi
- 14.V.Sathish Kumar
- 15.M.Murugan

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16.C.Vijayalakshmi
17.E.Balakrishnan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the proceedings of the fourth respondent in proceedings in Na.Ka.H9/36794/2010, dated 28.06.2011, and quash the same and direct the respondents herein to consequently appoint the petitioner to the post of Cook in the appropriate Government Tribal residential Schools and Hostels of the Nilagiri District and consequently grant such other relief.

For petitioner : Mr.P.V.Ravicharan
For R1 to R5 : Mr.P.Sanjay Gandhi, AGP

O R D E R

Challenging the Notification dated 28.06.2011 issued by the fourth respondent / the District Adi-Dravidar and Scheduled Tribes Welfare Officer, Nilagiri District, calling for applications for appointment to the post of Cook in Government Tribal Residential Schools and Hostels, the petitioner has filed this writ petition with a huge delay of 6 years from the date of Notification. It is also further stated in the said Notification that they are going to fill up the post of Cook by way of direct recruitment and therefore, those, who are interested, are directed to appear in person on 14.07.2011 at 11 a.m. at the office of the Nilagiri District Adi-Dravidar and Tribal Welfare Department, Udthagamandalam, with all relevant certificates.

2. It is submitted by the learned counsel for the petitioner that although the petitioner appeared on the said day for interview along with 48 other persons, he was not selected and it is further stated that out of 7 selected candidates, none has been selected for the said post from Scheduled Tribes though 7 persons had attended the interview. Therefore, it is contended, there were some irregularities committed by the official respondents while selecting the candidates for the post of Cook.

3. But, this Court is unable to find any merit on the above said submission. In my view, when the selection was conducted in the year 2011, the petitioner, having not been selected in the selection process, ought to have approached this Court immediately. Indeed, from the typed-set filed by him, it is seen that he had sent numerous representations to the various authorities in the year 2011, but, immediately finding no response, he ought to have approached this Court in the year 2011 itself, which he has not done so. Of-course, when he has

filed a condone delay application in the year 2014, the same was ordered. However, due to passage of time i.e. 6 years, this Court is unable to find any reason to entertain the writ petition, for, if the claim of the petitioner is taken on record, the right of those persons who were appointed in the year 2011 itself would be vanished as they have been admittedly working for more than 6 years.

4. It is well settled law that the delay defeats justice and equities. Equity favours a vigilant rather than an indolent litigant and this being the basic tenet of law, the question of entertaining the prayer of the petitioner, challenging the Notification dated 28.06.2011 issued by the fourth respondent, after a lapse of 6 long years, cannot arise in this matter.

5. Thus, for the reasons stated above, the writ petition fails and the same is dismissed on the ground of laches. No Costs. WMP.No.31279 of 2017 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to the Dept.
of Adi-Dravidar Welfare,
Fort St. George,
Chennai - 9.

2.The Director and Commissioner,
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4.The District Adi-Dravidar and
Scheduled Tribes Welfare Officer,
udhagamandalam Nilagiri District.

5.The District Employment Officer,
District Employment Exchange,
udhagamandalam
Nilagiri District.

+1 cc to Mr.P.V.Ravichandran Advocate sr 81124
+1 cc to the Govt Pleader sr 80933

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