

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5781 of 2004

and W.M.P.No.6766 of 2004

P.Kalaimamani

...Petitioner

/versus/

1. Govt. of Pondicherry Reptd. By the
Chief Secretary to Govt. of Pondicherry,
Chief Secretariat Pondicherry.

2. The Principal,
Pondicherry Engineering College,
Pillaichavadi, Pondicherry.

...Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus or any other Writ, order or direction, directing the respondents to consider and appoint the petitioner to the post of Lower Division Clerk against one of the vacancies notified with the Employment Exchange in the land affected category with all other consequential benefits.

For Petitioner : Mr.V.Ajayakumar
For Respondents : Mrs.D.Reena Iswariya
Addl.Govt.Pleader (Pondy)

O R D E R

The Writ Petitioner claiming that he has passed S.S.L.C., Typewriting (Lower) and accordingly qualified for appointment to the post of Lower Division Clerk in Pondicherry Engineering College, has come forward with this Writ Petition for directing the respondents to consider and appoint the petitioner to the post of Lower Division Clerk against one of the vacancies notified with the Employment Exchange under the land affected category with all other consequential benefits.

2.It seems that seven vacancies arose during the year 2004. The candidates were sponsored through Employment Exchange and accordingly they were to be appointed. The petitioner claims that as he is one of the affected persons from whom the land in which the Engineering College is situated was acquired, the respondents have to provide appointment, as per the conditions in the Land Acquisition Proceedings.

3.In order to provide appointment to the land affected persons, certain conditions were imposed in the Land Acquisition Proceedings. This Court had already directed the respondents to consider the members of the land affected persons in W.P.No.6235 of 2001. But, during the relevant point of time, there was a ban for appointment and hence the petitioner was unable to be appointed. In such circumstances, the petitioner has come forward with the present Writ Petition, for the aforesaid relief.

4.Now that the Writ Petition is heard after a lapse of twelve years from the date of its filing to examine as to whether the petitioner fulfils the Recruitment Rules in force as on date or not, whether sufficient vacancies are available and whether the petitioner is qualified to hold the post of Lower Division Clerk or not, the learned Additional Government Pleader was requested to get instructions. Accordingly, the learned Additional Government Pleader appearing for the respondents filed a counter affidavit and submitted that the respondents are maintaining a seniority list of land affected persons and the case of all those candidates will be considered as per seniority and in accordance with the Recruitment Rules.

5.Under these circumstances, without going into the merits and demerits of the case, this Court is inclined to direct the second respondent to consider the representations of the petitioner dated 11.09.2003 and 03.01.2003, and if the petitioner is otherwise eligible and qualified, he may be considered along with other similarly placed candidates in accordance with their seniority and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpa

To

1. The Chief Secretary,
Govt. of Pondicherry
Chief Secretariat Pondicherry.

2. The Principal,
Pondicherry Engineering College,
Pillaichavadi, Pondicherry.

+1cc to Mr.V. Ajayakumar, Advocate, S.R.No.19322

+1cc to the Government Pleader, S.R.No.19448

sai(CO)
md(11/04/2017)

W.P.No.5781 of 2004



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