IN THE HIGHCOURT OF JUDICATURE AT MADRAS

Dated: 26.07.2017

Coram

The Hon'ble Mr.Justice M.V.Muralidaran

W.P.No.23802 of 2010

M.Latha .. Petitioner

/versus/

1.The Recruitment Board,
Rep.by the Member Secretary,
E.V.K.Sampath Building,
College Road, Chennai-6.

2.The District Employment Officer,
Perambalur. .. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certifiorarified Mandamus to call for the records on the file of the 2nd respondent in connection with the order passed in Proc.A5/4078/09 dated 21.08.2009 and quash the same and direct the respondents to give appointment to the post of Secondary Grade Teacher to the petitioner under the category of Land Acquisition in any of the existing vacancies.

For Petitioner :Mr.R.Singgaravelan, SC for
Mr.V.S.Jagadeesan
For Respondents :Mrs.M.E.Raniselvam, AGP for R1

O R D E R

This writ petition has been filed by the petitioner seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records from the file of the 2nd respondent in connection with the order passed in Proc.A5/4078/09, dated 21.08.2009, and quash the same and also to direct the respondents to give appointment to the post of Secondary Grade Teacher to the petitioner under the category of Land Acquisition in any of the existing vacancies.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent.

3.The case of the petitioner is that the petitioner had passed 10th and 12th standards in the years 1990 and 1992 respectively and she had completed the Diploma in Teacher Training on 05.04.2004 and the same was registered in the

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District Employment Office of Perambalur on the same day i.e. 05.04.2004. Her father had three daughters and one son, including the petitioner. All the daughters and son already got married and all of them had given 'No Objection' for her employment for the acquisition of the lands owned by her father and to that effect, a certificate has been given by the Special Tahsildar, Perambalur on 20.05.2009 and the same has also been produced. As the petitioner got her name registered in the employment exchange as early as 05.04.2004, she should have been given appointment by this time as the candidates fallen under the same category of Land Acquisition registered in the Employment office upto 05.04.2004 were given appointment already. Hence, she should have also been given appointment. But, the 2nd respondent, in reply to the representation of the petitioner, has informed her vide, letter dated 21.08.2009 that she is not entitled to any preference under Land Acquisition category as she got married. Hence, this petition has been filed for the aforesaid prayer.

4.The learned counsel appearing for the 2nd respondent has filed his counter affidavit stating that as per Government Instructions issued in Govt. Lr.No.4920/B1/87-3, Employment Services Department, Dated 29.2.1988, the owner, spouse and the unmarried children alone are eligible for getting priority under Land Acquired property. Since the petitioner is a married daughter of the land owner, the representation of the petitioner was not considered.

5. Considering the facts and circumstances of the case, this Court is inclined to allow the writ petition. Accordingly, the writ petition is allowed by directing the 2nd respondent to consider the petitioner's request dated 04.08.2009 afresh, without taking note of the marriage of the petitioner and to pass orders, on merits and in accordance with law, by giving a personal opportunity to the petitioner, within a period of 12 weeks, from the date of receipt of a copy of this order. No costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

1.The Recruitment Board,
Rep.by the Member Secretary,
E.V.K.Sampath Building,
College Road, Chennai-6.

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2.The District Employment Officer,
  Perambalur.

+1 CC to The Govt. Pleader sr 53997.
+1 CC to Mr.R. Singaravelu, Advocate sr 53182.

W.P.No.23802 of 2010

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