

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2017

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P.No.34887 of 2013 and
M.P.Nos.1 and 2 of 2013

M.Durai Raj

... Petitioner

Vs.

1. The District Employment Officer,
Dharmapuri District.
2. The District Collector,
Dharmapuri 636 705.
3. The District Revenue Officer,
District Revenue Office,
Dharmapuri District.
4. The Tahsildar,
Palacode Taluk,
Dharmapuri District.

... Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, to direct the third and fourth respondents to consider and appoint the petitioner as Village Assistant in any one of the village in the same Taluk by getting his name from employment exchange.

For Petitioner : Mr.M.Muthappan
For Respondents : Mr.T.M.Pappiah
Special Government Pleader

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O R D E R

Heard Mr.M.Muthappan, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents.

2.The petitioner has approached this Court for seeking the following relief,

"To issue a Writ of Mandamus, to direct the third and fourth respondents to consider and appoint the petitioner as Village Assistant in any one of the village in the same Taluk by getting his name from employment exchange."

3. The case of the petitioner is as follows:

The petitioner belongs to SC community and he is working as an Agricultural Coolie to earn his livelihood. In the year 1988, the fourth respondent Taluk, Panchapalli Village, the post of Village Assistant became vacant due to retirement of then existing incumbent. Since he was qualified and belonging to SC community, he requested for consideration for appointment to the post of Village Assistant in the said village. However, not considering the claim of the petitioner, the respondents have appointed the son of then existing incumbent by proceedings dated 20.09.1988.

4. As against the appointment, the petitioner preferred a representation to various authorities, but finally, by order dated 10.08.1989, in the revision petition filed by him, he came to be appointed as Village Assistant in the said village with effect from 17.08.1989. Aggrieved by his appointment, the earlier incumbent one D.Sabeer, filed O.A.No.1350 of 1989, before the then Tamil Nadu Administrative Tribunal and obtained stay of his appointment and in pursuance of which, the petitioner came to be relieved from service in 1991 and the said Sabeer came to be appointed in his place.

5. In the said circumstances, the petitioner has made a number of representations for consideration of his appointment as Village Assistant in any of the villages where the post is vacant in Dharmapuri District. However, since no order was forthcoming, the petitioner was constrained to approach this Court in W.P.No.25788 of 2007, for disposal of the representation. This Court by order dated 01.08.2007, disposed of the writ petition and directed the first respondent to consider his representation and pass orders on merits.

6. However, the direction passed by this Court in aforesaid writ petition has not been complied with, inspite of several representations given by the petitioner thereafter. In the said circumstances, the petitioner has once again approached this Court for seeking to issue a writ of mandamus.

7. Upon notice, the learned Special Government Pleader entered appearance and made a submission.

8. Since the earlier direction has not been complied with, a fresh writ petition has been filed. This Court is of the view that the direction as prayed for, is liable to be issued in the facts and circumstances of the case. According to the learned counsel for the petitioner, there are three existing vacancies right now available in the following villages viz., Mahendira mangalam, Bickanahalli and Bodekuttanvalli in Palacode Taluk.

9. The learned counsel for the petitioner would submit that the petitioner can be considered for appointment in any of the said vacancies by the respondents 2 to 4. In view of the limited prayer being asked for in the writ petition, this Court directs the respondents 2 to 4 herein to consider the claim of the petitioner and appoint him as Village Assistant in any of the vacancies as indicated above. The respondents are directed to pass orders on the representations said to have been made by the petitioner as found in the affidavit filed in support of the writ petition and pass orders within a period of two months from the date of receipt of a copy of this order. The petitioner is also directed to make available of the copies of the affidavit filed in support of the writ petition, before the competent authority for taking into consideration before passing the order as per the above direction.

10. With the above direction, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

सत्यमेव जयते
Sub Asst. Registrar

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To

1. The District Employment Officer,
Dharmapuri District.
2. The District Collector,
Dharmapuri 636 705.

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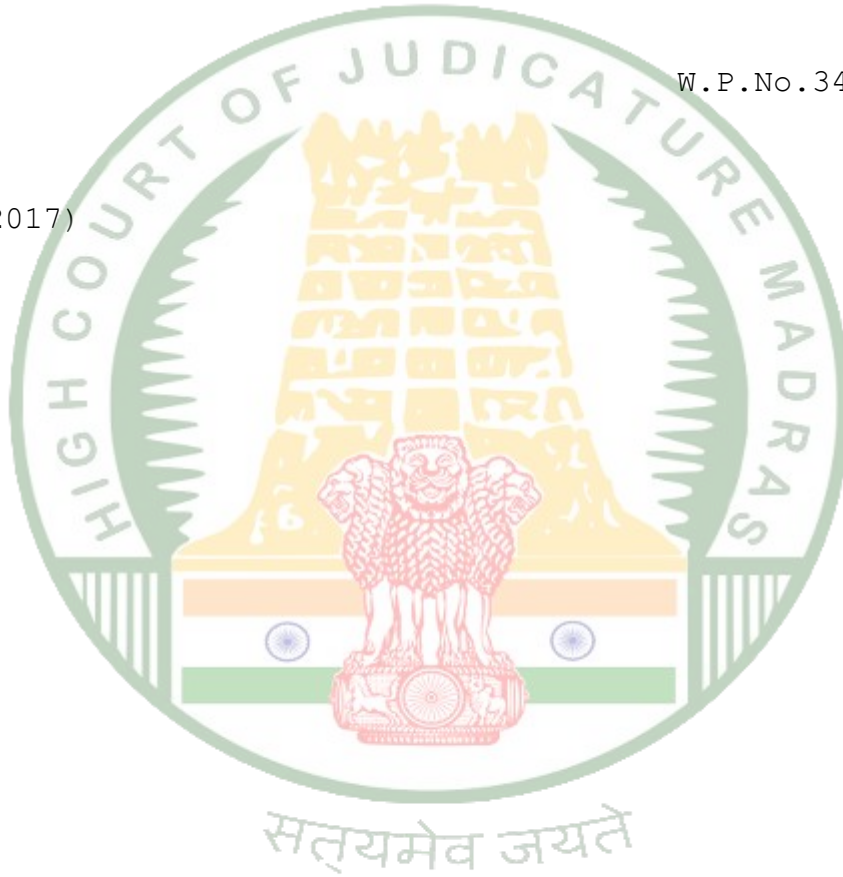
3. The District Revenue Officer,
District Revenue Office,
Dharmapuri District.

4. The Tahsildar,
Palacode Taluk,
Dharmapuri District.

+1cc to Mr.V.R.Annagandhi, Advocate Sr. 64592
+1cc to the Government Pleader Sr. 64956

W.P.No.34887 of 2013

EV(CO)
VR(06/10/2017)



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