

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.8464 of 2016 &
WMP Nos. 7531 & 7532 of 2016

A.Devaki

[PETITIONER]

Vs

- 1 The Secretary to the Government
Social Welfare Department and
Nutritious Meal Programme
Secretariat, Chennai-600 010
- 2 The Director
Department of Social Defence
300,Puraisavalkam High Road
Kellys, Chennai-600 002.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, to call for the entire records relating to impugned notification published in website by the 2nd respondent in connection with the appointment of District Child Protection Officer (Contractual Basis) and quash the same as illegal untenable arbitrary nullity and non est in law and direct the respondents to prepare a panel list for the newly created post of District Child Protection Officer and further directing the respondents to consider the petitioners for promotion for newly created post of District Child Protection Office on merits and accordance with law.

For Petitioner : Mr.J.Venkatraman

For Respondents : Mr.K.Dhananjayan
Spl. Govt.Pleader

O R D E R

The relief sought for in this Writ Petition is challenging the Notification published in website by the second respondent in connection with the appointment of District Child Protection Officer (Contractual Basis) and direct the respondents to prepare a panel list for the newly created post of District

Child Protection Officer and further direct the respondents to consider the petitioner for promotion.

2.The learned Special Government Pleader appearing on behalf of the respondents submitted that the copy of the written instructions given by the Director of Social Defence in his Letter dated 09.03.2016. In the written instructions, while narrating the facts, the Director of Social Defence, has categorically stated as follows:

"It is further stated that a Writ Petition No.2136 of 2016 has already been filed on the same issue by 13 Probation Officers of this Department, including Tmt.Devaki, who is the petitioner in the present Writ. The earlier petition filed before the First Bench of Hon'ble High Court of Madras was disposed based on the submission of the petitioner before the Hon'ble High Court of Madras, that he would confine his relief only to consider his representation given on 22.12.2015 without recourse to further judicial remedy on the issue. The Hon'ble High Court has granted one month time (till 19.3.2016) to consider the representation dated 22.12.2015, which is under consideration of the Government. However, the petitioner has now again approached the Hon'ble High Court with the same request. The Petitioner in the present Writ has completely concealed the filing of an earlier Writ for the same cause and Writ Petition No.2136 of 2016 disposed by the Honourable First Bench of the High Court of Madras.

The petitioner is now presently working as Probation Officer in the Department of Social Defence. She has been given an additional charge as DCPO purely on temporary basis for which she has been paid additional charge allowance also. Appointment of exclusive DCPOs, is not going to affect her in any way but, on the other hand will pave way and opportunity to fulfill the duties and responsibilities attached to the post of Probation Officer and could function more effectively. "

3.This Court has also perused the Judgement of the Hon'ble First Bench of this Court in W.P.No.2136 of 2016 dated 19.02.2016, wherein the first writ petitioner-A.Devaki, is the petitioner in the present Writ Petition (W.P.No.8464 of 2016). Thus, it is clear that after passing of the order by the Hon'ble First Bench of this Court, the petitioner has once again moved this Court with the aforesaid prayer relating to the Notification. This being the factum of the case, the writ petitioner has abused the process and therefore, this Court is

not inclined to consider the grounds raised in this Writ Petition on merits.

4. Accordingly, the Writ Petition stands dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

rpa

To

1 The Secretary to the Government
Social Welfare Department and
Nutritious Meal Programme
Secretariat, Chennai-600 010

2 The Director
Department of Social Defence
300, Puraisavalkam High Road
Kellys, Chennai-600 002.

+1cc to Government Pleader in sr.no.66009

W.P. No.8464 of 2016

VGII(CO)
NR 24/10/2017

सत्यमेव जयते

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