



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.04.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. [MD] .No.387 of 2017
against
W.P. (MD) .No.14726 of 2013

M.Chandru : Appellant/Petitioner

Vs.

- 1.The District Collector,
Collectorate, Pudukkottai District.
- 2.The Tahsildar,
Pudukkottai Taluk Office,
Pudukkottai District.
- 3.The District Employment Officer,
Office of the District Employment Officer,
Pudukkottai District. : Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 24.09.2013 made in W.P.(MD).No.14726 of 2013, on the file of this Court.

Prayer in WP(MD). 14726/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondent No. 2 to consider the petitioner for appointment to the post of Village Assistant in the existing vacancies in pudukottai taluk, Pudukkottai district within the time stipulated by this Honourable Court.

For Appellant : Mr.T.Lajapathi Roy

For Respondents : Mr.V.Muruganantham
Additional Government Pleader

**JUDGMENT**

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.T.Lajapathi Roy, learned counsel appearing for the appellant and Mr.V.Muruganantham, learned Additional Government Pleader appearing for the respondents. By consent, the Writ Appeal is taken up for final disposal at the stage of admission itself.

2. This Writ Appeal is directed as against the order dated 24.09.2013 made in W.P.(MD).No.14726 of 2013.

3. We are rather surprised as to how the present Writ Appeal has been filed by the appellant/Writ Petitioner, when the Writ Petition filed by him was allowed in favour of him, thereby granting the relief sought for by him.

4. However, the learned counsel appearing for the appellant submits that the persons, who were juniors in employment seniority were sponsored by the District Employment Officer, and they have been selected, whereas the name of the appellant alone was left out, in spite of the fact that the Writ Petition filed by him was allowed.

5. The said submission made by the learned counsel appearing for the appellant cannot be countenanced, for the simple reason that the prayer sought for by the appellant in the Writ Petition was only issuance of Writ of Mandamus to consider appellant for appointment to the post of Village Assistant in the existing vacancies. Firstly, such a positive direction could not have been issued by the Writ Court. Admittedly, the name of the appellant was not sponsored by the District Employment Officer. Therefore, the Writ Court was right in allowing the Writ Petition, directing the respondents to sponsor the name of the appellant for future employment for the post of Village Assistant. If, according to the appellant, the employment seniority has not been followed and it has been breached, then, the relief sought for by the appellant in the Writ Petition ought to have been different. That apart, the persons, whose names are stated to have been sponsored by the third respondent and who are stated to be juniors in the employment seniority, have not been impleaded as parties in the Writ Petition/Writ Appeal.

6. Thus, for all the reasons stated above, the Writ Appeal is dismissed. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Collectorate, Pudukkottai District.

2.The Tahsildar,
Pudukkottai Taluk Office,
Pudukkottai District.

3.The District Employment Officer,
Office of the District Employment Officer,
Pudukkottai District.

+1 cc to Mr.The Special Government Pleader in SR.No. 52076
+1 cc to Mr.T.Lajapathi Roy , Advocate in SR.No. 51958

NB

AE/KP/SAR2/25.04.2017/3P/6C

**JUDGMENT MADE IN
W.A. [MD] .No.387 of 2017
12.04.2017**