



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A(MD)No.867 of 2017
and
C.M.P.(MD).No.5256 of 2017

N.Bavani

.. Appellant

Vs.

1.The Commissioner and Secretary to Government
Employment Service Department,
Fort St. George, Chennai.

2.The District Collector,
Theni District.

3.The District Employment Officer,
Theni District.

4.The Tahsildar,
Uthamapalayam, Theni District.

.. Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, against the order dated 23.08.2012 made in W.P.(MD).No.7177 of 2011, on the file of this Court.

Prayer in WP(MD). 7177/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certioarified Mandamus or any other order in nature of writ by call for the records pertaining to the circular issued by the 1st respondent in Lr.No..4920/B1/87-3 dated 06/03/1991 and consequential order passed by the 3rd respondent in Che.Mu.Aa.No.A1/4343/2/2010 dated 26/4/11 and quash the same and may consequently direct the 3rd respondent to make a relevant entries to give preferential in the employment for the petitioner on the basis of the certificate issued by the 4th respondent vide No.1062/2007/A6 dated 20/12/07 and may pass such other or further orders as this Honble Court may deem fit and proper in the interest of case and thus render justice.



For Appellant
For Respondents

: Mr.K.P.Narayanakumar
: Mr.T.S.Mohammed Mohideen

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JUDGMENT

[Judgment of the Court was delivered by G.R.SWAMINATHAN,J.]

The unsuccessful Writ Petitioner is on appeal challenging the order dated 23.08.2012 made in W.P.(MD).No.7177 of 2011.

2.According to the Writ Petitioner, her mother was having lands which came to be acquired by the Government for forming channel. As per the G.O.(Ms).No 188, Personnel and Administrative Reforms (Per.P) Department, dated 28.12.1976, she is entitled to get preference in the matter of selection for Public employment.

3.Since, her name has not been included in the priority column, she filed a Writ Petition for directing the third respondent herein to make relevant entries, so as to give some preference in the matter of Government employment. The said writ petition was dismissed. Aggrieved by the same, this intra-Court appeal has been filed.

4.The learned counsel appearing for the appellant would contend that excluding the writ petitioner/ appellant merely on the ground of her marital status is not justifiable and amounts to discrimination. On the other hand, the learned Additional Government Pleader pointed out that the G.O.(Ms).No.188, Personnel and Administrative Reforms (Per.P) Department, dated 28.12.1976, has been clarified in subsequent Government letter dated 24.02.1988 to the effect that the term family would include only the husband, wife and unmarried children. On account of marriage, the writ petitioner had gone out of family of birth. That apart as rightly pointed out by the learned Single Judge, no purpose will be served by entering the writ petitioner's name in the preferential column. The Hon'ble Supreme Court had laid down that the vacancies in Government posts will now have to be filled up by inviting applications from all eligible persons. It is no longer possible to fill up public posts only on the basis of employment exchange priority.

5.Since, no purpose will be served even if the case of the writ petitioner is accepted, the learned Single Judge rightly dismissed the Writ Petition. The reasons assigned in the order dismissing the Writ Petition are sound. Thus, we find no merit in the Writ Appeal.



6. Accordingly, the Writ Appeal is dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To:

1. The Commissioner and Secretary to Government
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3. The District Employment Officer,
Theni District.

4. The Tahsildar,
Uthamapalayam, Theni District.

+One cc to M/s.K.P.Narayanakumar, Advocate, SR.No.67041

+One cc to The Special Government Pleader, SR.No.67102

sss/mm/dsk

RL/7C/3P/KP/SAR1/16/8/2017

JUDGMENT MADE IN
W.A(MD)No.867 of 2017