



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 15.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.[MD].Nos.14902 and 14903 of 2017

and

W.M.P. (MD) Nos.11740 and 11741 of 2017

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P.Karunanithi,
S/o.Pitchaimuthu,
Cook,
Government Boys Hostel
(Backward Class Welfare)
Thogaimalai,
Karur District. : Petitioner in W.P.[MD].No.14902 of 2017

S.S.Murugan,
S/o.S.Suruli,
Cook,
Government Boys Hostel
(Backward Class Welfare)
Theni District. : Petitioner in W.P.[MD].No.14903 of 2017

Vs.

1.The Principal Secretary to the Government,
Backward Classes,
Most Backward Classes and Minorities,
Welfare Department,
Secretariate, Chennai-600 005.

2.The Commissioner,
Most Backward Classes and
Minorities Communities (FAI),
Chepauk, Chennai-600 005.

3.The District Backward Classes and
Minorities Welfare Officer,
Nagapattinam District. : Respondents in both WPs

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring the Clause (ii) of Rule 5 (a) of the Tamilnadu Backward Classes Welfare Subordinate Service 2014 as invalid, discriminatory and violative of Article 16 of the Indian Constitution and consequently direct the first and second respondents to promote the petitioners as jeep Driver on par with his junior with all service benefits.



For Petitioner
in both Wps

: Mr.D.Sasikumar

For Respondents
in both WPs

: Mr.M.Murugan
Government Advocate

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C O M M O N O R D E R

[Order of the Court was delivered by **M.M.SUNDRESH, J.**]

It is agreed by both counsel that the issue involved in the writ petitions are covered by the order of the Division Bench in W.P(MD) No.3209 of 2015 dated 23.03.2017, wherein it has been held as follows:-

25.In the result, while rejecting the prayer to declare the impugned rule as violative of Article 16 of the Constitution of India, the writ petition is disposed of by reading down the relevant rule and holding that the respondent Department having been bifurcated from the Adi Dravidar and Tribal Welfare Department, the petitioner is entitled to be considered to the post of Jeep Driver, without imposing any age restriction. However, this does not mean that the petitioner is entitled to be automatically posted as a Jeep Driver, but however, subject to fulfillment of all the requisite qualifications and the eligibility prescribed for the said post.

26. The respondents are directed to consider the case of the petitioner in terms of the above directions, within a period of four weeks from the date of receipt of a copy of this order and if the petitioner fulfils the requisite qualifications and the other conditions prescribed for being eligible to be considered for selection to the post of Jeep Driver, the respondents shall consider and issue appropriate orders, within a period of eight weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

2. In such view of the matter, these writ petitions are disposed of with the aforesaid terms. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)



To

1.The Principal Secretary to the Government,
Backward Classes,
Most Backward Classes and Minorities,
Welfare Department,
Secretariate, Chennai-600 005.

2.The Commissioner,
Most Backward Classes and
Minorities Communities (FAI),
Chepauk, Chennai-600 005.

3.The District Backward Classes and
Minorities Welfare Officer,
Nagapattinam District.

+2cc to M/S.D.SASI KUMAR, Advocate SR.No.79216
+1cc to Special Government Pleader, SR.No. 79339

cp/am

MAS/SV-MMS/SAR1:25.09.2017:3P-7C

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15.09.2017