



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.15838 of 2017

P.Rajamanickam
S/o.V.Peter,
Cook,
Government Boys Hostel (Backward Class),
Idaiyathi, Pattukottai Taluk,
Thanjavur District.

... Petitioner

Vs.

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

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

3. The District Most Backward Classes and
Minorities Welfare Officer,
Thanjavur District.

... Respondents

PRAYER: Writ Petition is 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 1st and 2nd respondents to promote the petitioner as jeep Driver with all service benefits.

For Petitioner
For R1 to R3

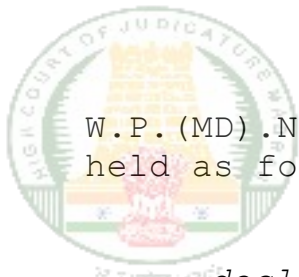
: Mr.D.Sasikumar
: Mr.M.Murugan
Government Advocate

ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/>

It is agreed by both the counsel that the issue involved in the writ petition is 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, the Writ Petition is disposed of on the aforesaid terms. No Costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

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

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



3. The District Most Backward Classes and
Minorities Welfare Officer,
Thanjavur District.

+1cc to Mr.D.SASIKUMAR, Advocate SR.No.79909

+1cc to the Special Government Pleader, SR.No. 79857

akv

MAS/SV-MMS/SAR2:03.10.2017:3P-6C

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19.09.2017