



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.22942 of 2016

P.Ashok Kumar

: Petitioner

Vs.

1.The State of Tamil Nadu rep. by its
Principal Secretary,
Food Ministry Department,
Fort St. George, Chennai - 600 009.

2.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Kilpauk, Chennai - 600 010.

3.The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation,
Kilpauk, Chennai - 600 010.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to consider the petitioner for appointment to the post of Assistant Manager (General) through recruitment by transfer as claimed through the representation dated 20.10.2016 within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent No.1 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

For Respondents 2 and 3: Mr.D.Mayarajan

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner for appointment to the post of Assistant Manager (General) through recruitment by transfer as claimed through the representation dated 20.10.2016.

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

2.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader, who took notice for the



first respondent and the learned counsel, who took notice for the respondents 2 and 3. By consent, the writ petition itself is taken up for final disposal.

3. The brief facts leading to the filing of this writ petition are as follows:

The petitioner was appointed in the year 2007 as Shift Engineer through Employment Exchange and he was posted at Modern Rice Mill, Manamadurai, Sivagangai District. In the year 2011, the recruitment by transfer to the post of Assistant Manager (General) was notified and the employees, who possess the qualification within the department, were asked to apply for the same. The petitioner applied for the same, as he possessed the requisite qualification of M.B.A. (Marketing). But, he was not selected on the ground that he had acquired M.B.A. Degree without acquiring under-graduation. In the meanwhile, he has acquired an under-graduation degree of Bachelor in Computer Application as well as a degree in M.B.A. (Finance).

Pursuant to the acquiring of said qualifications, the petitioner has submitted a representation dated 20.10.2016 to consider him for the post of Assistant Manager (General), by considering that the colleagues, who are similarly placed, have already been granted promotion to the post of Assistant Manager (General). As the representation is not considered, this writ petition has been filed.

4. The learned counsel appearing for the respondents 2 and 3 would submit that it is agreeable for the second respondent to consider the representation of the petitioner and to pass appropriate orders within a period of eight weeks.

5. Recording the submission made by the learned counsel for the respondents 2 and 3, the second respondent is directed to consider the representation of the petitioner dated 20.10.2016 in the light of grant of promotion to similarly placed persons (as that of the petitioner) and to pass orders on merits and in accordance with law, within a period of two weeks, from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/
Deputy Registrar(J)

/True Copy/

Sub Assistant Registrar.



To

1.The Principal Secretary,
Food Ministry Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

2.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Kilpauk, Chennai - 600 010.

3.The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation,
Kilpauk, Chennai - 600 010.

+1CC to M/S. T.Lajapathi Roy, Advocate, SR.No. 75012

+1CC to the Special Government Pleader, SR.No. 78112

ORDER MADE IN
W.P (MD) No.22942 of 2016
30.11.2016

smn

AM/SKN/SAR-3/09.01.2017/3P/6C