

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.10226 of 2013

A.Venkatesan

... Petitioner

Vs

- 1.The State of Tamilnadu
Represented by Secretary to Government,
Personnel & Administrative Reforms (Per.P) Department,
Fort St. George, Chennai - 600 009.
 - 2.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
 - 3.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Maligai,
College Road, Chennai - 600 006.
 - 4.The Director of School Education,
Chennai - 600 006.
 - 5.The Chief Educational Officer,
Thiruvannamalai - 606 601.
 - 6.The Employment officer,
Employment Exchange,
Government of Tamilnadu,
Thiruvannamalai.
- सत्यमेव जयते... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to provide employment to the petitioner as per G.O.M.S.No.188 dated 28.12.1976 on the file of the 1st respondent.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.R.S.Selvam, GA for R1, R2 and R6

: Mr.K.Karthikeyan, GA for R3, R4 and R5

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents herein to provide employment to the petitioner as per G.O.MS.No.188 dated 28.12.1976 on the file of the 1st respondent.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner is possessing the Master Degree of M.Sc., M.Phil., and B.Ed., and presently unemployed.

3. The lands measuring 0.65.5 hectares in SF Nos.81/2, 5, situated at Vengikal Village, Thiruvannamalai District, belonged to the mother of the writ petitioner, was acquired by the Government of Tamilnadu for Master Plan Complex under urgency clause of Land Acquisition Act 1894.

4. The learned counsel for the petitioner states that, the land belonged to the family of the writ petitioner, was acquired and therefore, they are entitled to claim priority for public employments under the land losers category.

5. Relying on the order passed by the Government in G.O.MS.No.188, Personnel and Administrative Reforms (Per.P) Department, dated 28.12.1976, the petitioner states that priority must be given for public employment as per the terms and conditions stipulated in the order. However, the writ petitioner had already sent several representations and the same had not been responded properly.

6. The 1st respondent, Secretary to Government, Personnel and Administrative Reforms Department, filed a counter affidavit, stating that the writ petitioner would be eligible to get priority as per the conditions stipulated in G.O.MS.No.188 dated 28.12.1976, the priority provided to the writ petitioner has been narrated in the Paragraphs 2, 3 and 4 of the counter affidavit, which are extracted hereunder:

"2. With reference to the averments made in paragraph 4 of the affidavit, it is submitted that in G.O.(Ms)No.188, Personnel and Administrative Reforms (Personnel-P) Department, Dated 28.12.1976, order of priorities in regard to the provision of employment assistance through Employment Exchanges have been issued. In the annexure to the said Government Order, Priority categories have been listed. Among the other priority Categories the "Members of the family (including members of Scheduled

Caste/Scheduled Tribe) whose lands have been acquired for Government purposes as well as for the projects of the Public Sector Undertakings subject to the condition that preference should be given to those who are dependent for their livelihood primarily or wholly on the lands acquired and from among them to members of the Scheduled Castes and Scheduled Tribes who may be eligible for employment" has been classified as one of the priority categories. Based on the above, priority candidates have been registered in the Employment Exchange.

3. With reference to the averments made in paragraphs 5,6,7,8 and 9 of the affidavit, it is submitted that the name of the petitioner has been registered under priority (Land Acquired) category in the sixth respondent office (i.e) District Employment Office, Thiruvannamalai. The details are as follows:-

Qualification Registered with Seniority:-

S.S.L.C	:	SF 07/07/2000
H.S.C	:	SF 20/06/2002
B.Sc	:	SF 01/09/2006
B.Ed	:	SF 15/09/2009
Typewriting English & Tamil	:	SF 13/08/2003
Computer Certificates	:	SF 20/05/2004

It is seen from the above particulars, that the petitioner is qualified for the post of B.T. Assistant and the vacancies for the above post has to be notified by the Teachers Recruitment Board. The Teacher Recruitment Board is recruiting teachers by conducting Teachers' Eligibility Test (TET). Therefore, the petitioner has to clear the above test to get selected for the post of B.T. Assistant.

4. It is further submitted that the orders issued in G.O.(Ms)No.188, Personnel and Administrative Reforms (Personnel-P) Department, Dated 28.12.1976 is applicable to the recruitment made through Employment Exchange only. The name of the petitioner will be considered by the Employment Exchange for the post for which he is eligible as per his qualification under Priority Category as and when the vacancies are called for by the Employment Exchange."

7. When the respondents themselves have stated that the priority will be given as per the terms and conditions, the case of the petitioner shall be considered as per his turn and as per his qualifications and other eligible criteria.

8. With these observations, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

kak/ssr

To

1. Secretary to Government,
Personnel & Administrative Reforms (Per.P) Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
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Thiruvannamalai.
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5. The Chief Educational Officer,
Thiruvannamalai - 606 601.
6. The Employment officer,
Employment Exchange,
Government of Tamilnadu,
Thiruvannamalai.

+1 cc to M/s.K.Govi Ganesan, Advocate Sr.No.72766
+1 cc to The Government Pleader, Sr.NO.73036,73071

W.P.No.10226 of 2013

RV(CO)
CSL/19.11.2018