

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.6844 of 2018

Karthikeyan

...

Petitioner

-Vs-

1.The Registrar General,
High Court of Madras,
Madras.

2.The Principal District Judge,
District Court,
Dharmapuri District.

3.The Principal District Judge,
District Court,
Ariyalur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 3rd respondent in connection with the proceedings dated 30.01.2018 passed by the 3rd respondent and quash the same and further direction directing the 2nd respondent to consider the petitioner's application dated 13.11.2017.

For Petitioner : Mr.V.Sakkarapani

For Respondents: Mr.Haja Mohideen Gisthi
Standing Counsel

ORDER

[Order of the Court was made by C.T.SELVAM, J.]

Petitioner had applied for the post of Office Assistant when applications were called for by the 3rd respondent in the year 2016. Petitioner informs of having sent his application through Registered Post on 19.11.2016 and the same was received by second respondent/The Principal District Judge, District Court, Dharmapuri District on 20.11.2016, although the petitioner had correctly addressed his application to third respondent/The Principal District

Judge, District Court, Ariyalur.

2. In WP.No.32808 of 2017, petitioner sought a direction that his representation dated 13.11.2017 made in connection with his application of 19.11.2016 be considered towards providing him employment. This Court, under orders dated 18.12.2017, on being informed that the process towards selection had not commenced, directed the third respondent i.e., The Principal District Judge, District Court, Ariyalur, to consider the petitioner's application for the post in issue in accordance with law. Petitioner has moved the present writ petition informing that he made a fresh representation to the third respondent on 18.01.2018 enclosing a copy of the order in WP.No.32808 of 2017 and sought consideration of his application. By response dated 30.01.2018, third respondent had informed that the petitioner's application had been rejected. Third respondent further informed that in obtaining orders in WP.No.32808 of 2017, petitioner had suppressed facts. Contending that petitioner had not suppressed any fact and it was learned counsel for respondents, who had submitted that the process of selection had not commenced and further that, on receipt of the communication from second respondent-The Principal District Judge, District Court, Dharmapuri District on 12.02.2018, calling for his appearance on 27.02.2018 and on his compliance therewith, he came to know that the process had been completed. Petitioner seeks a direction to third respondent-The Principal District Judge, District Court, Ariyalur District to call for records on the file of the 3rd respondent in connection with the proceedings dated 30.01.2018 passed by the 3rd respondent.

3. We have heard learned counsel for petitioner and Mr.Haja Mohideen Gisthi, learned counsel for respondents.

4. Mr.Haja Mohideen Gisthi, learned counsel appearing for respondents submits that when WP.No.32808 of 2017 came up for hearing on 18.12.2017, this Court had required the respondents' counsel, to ascertain the position as on such date and in gathering instructions over phone, instructions were received from the third respondent to that effect that the selection process had not commenced, based on which an order came to be passed directing the 3rd respondent to consider the application of the petitioner and pass orders thereon. Learned counsel further submits that as per the impugned order of the third respondent dated 30.01.2018, the selection process for applications called for in the year 2016, had been completed and 11 appointments had been made as early as on 03.04.2017. Learned counsel informs that in such circumstances, there is no occasion to favourably consider the representation of the petitioner, which pertains to the selection of the year 2016.

5. Learned counsel for petitioner submits that the petitioner has suffered loss of opportunity of being selected

in the post of Office Assistant for no fault of his and owing to second respondent-The Principal District Judge, District Court, Dharmapuri, receiving the communication addressed to third respondent- The Principal District Judge, District Court, Ariyalur.

6. We can only sympathize with the petitioner and are unable to accept his contention. The earlier order dated 18.12.2017 in W.P.No.32808 of 2017 was passed based on the mere oral submission made by the respondents, which according to us, is only a communication error. It is also pertinent to note that though the selection was of the year 2016, the petitioner, having waited for almost an year, has chosen to file the Writ petition only in December 2017,. In the meantime, there was yet another selection process during the year 2017 by the Principal District Court, Ariyalur, which resulted in the communication error, for which act neither the District Court, nor the counsel, who appeared on their behalf can be faulted. In these circumstances, this writ petition shall stand dismissed. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To:

- 1.The Registrar General,
High Court of Madras,
Madras.
- 2.The Principal District Court,
District Court,
Dharmapuri District.
- 3.The Principal District Court,
District Court,
Ariyalur District.

+1cc to Mr.S.Haja Mohideen Gisthi Advocate SR.No.22299

+1cc to Mr.V.Sakkara Pani Advocate SR.No.22202

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SDR 17.04.2018