

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.10.2018

CORAM :
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8316 of 2013

Hilda Meera

... Petitioner

vs.

1.The Deputy Manager (P&A),
BHEL,
Ranipet, Vellore District.

2.Land Acquisition Officer &
the Special Tahsildar (L&A),
BHEL Unit II, Ranipet.

3 District Revenue Officer,
Ranipet, Vellore District.

4.The District Collector,
Vellore 9.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the 1st respondent to provide me or to my son E.Vijayakumar any suitable employment in the BHEL, Ranipet Unit.

For Petitioner : M/s.C.H.Vinobha Gandhi

For Respondents 2-4 : Mrs. A.Shrijayanthi
Spl.Government Pleader

For Respondent No.1 : Mr.P.John Zacharia for
Fox Mandal Associates

O R D E R

The relief sought for in this writ petition is for a direction to direct the first respondent to provide to the writ petitioner or her son Mr.E.Vijaya Kumar any suitable employment in BHEL, Ranipet Unit.

2. The grievance of the writ petitioner is that the family of the writ petitioner was affected on account of the acquisition of their land for setting up "Boiler Auxiliaries Plant" at Ranipet. The persons affected on account of such land acquisition by the Government are provided with employment in the BHEL. The writ petitioner claim that their family was also

affected on account of such land acquisition and therefore they are entitled for an appointment in the BHEL.

3. The writ petitioner states that they approached the first respondent on 19.11.1985 and the petitioner was selected for the post of Lower Grade Clerk and the first respondent referred the writ petitioner for medical examination before the Medical Officer, BHEL. The Medical Officer BHEL has stated that the writ petitioner is not eligible for the job temporarily as petitioner was suffering for some ailments. However, no reason has been specified in the report.

4. The writ petitioner once again approached the first respondent office with the requisition for re-medical examination and accordingly petitioner was directed to meet the 3rd respondent/District Revenue Officer, Ranipet for the purpose of recommending the name of the writ petitioner for employment. After scrutinizing all the documents, the 3rd respondent/District Revenue Officer, Ranipet recommended the name of the writ petitioner for employment in the first respondent company. The writ petitioner contacted the first respondent company along with the medical fitness certificate on 17.05.1984 and the petitioner was informed that her case will be considered after discussing the matter with the high level committee.

5. The learned counsel for the respondents brought to the notice of this Court that, the writ petitioner was found eligible for appointment by the authorities concerned. However, the writ petitioner failed to appear before the interview committee, therefore, the respondents were unable to consider the name of the writ petitioner for providing employment. Thus, the respondents are not responsible for the lapses committed by the writ petitioner by not appearing before the interview committee. In the event of appearance the case of the writ petitioner would have been considered by the respondents. Thus, the present writ petition is to be rejected.

6. This Court is of an opinion that, at the time of filing of the writ petition in the year 2013, the writ petitioner was aged about 50 years and now she would be around 55 years. An opportunity was provided to the land loser to secure an appointment in the BHEL Corporation. The writ petitioner undoubtedly submitted an application, however, she failed to appear before the interview committee at the time of selection. Thus, the respondents had not appointed her.

7. This apart, the first respondent in their counter affidavit narrated the events occurred in the process of selection in para 7, extracted hereunder:-

"In compliance of the said order, publication was effected in the district gazette on 13.09.2011 and in

two local dailies viz. Dinathanthi and Dinamani on 10.09.2011. In the said advertisement, it was made clear that the interested persons should submit their applications by 23.09.2011 and also that applications submitted after the cut-off date. i.e., 23.09.2011 will not be entertained. This is purely in consonance with the order passed by the Division Bench of this Hon'ble Court. It is submitted that the period stipulated by the Screening Committee for the receipt of the applications in response to the advertisement is reasonable as about 277 applications were received in claiming employment within the prescribed time. All the applications received were processed, interviews were scheduled on 16.11.2011, 17.11.2011 and 18.11.2011 before the Screening Committee and this was also intimated to the claimants. Thereafter interviews were conducted on the aforesaid dates. Another opportunity was given on 02.12.2011 to the applicants who could not appear before the Screening Committee on the aforesaid dates. Those claimants who fulfilled the eligibility criteria and were found suitable have been selected. On 08.12.2011, the Screening committee recommended 124 applicants out of 277 applications for suitable employment in the respondent company. Now that the entire process has been completed, the screening committee is no longer in operation and has hence become functus officio with effect from 09.12.2011."

8. In view of the fact that, the writ petitioner herself had failed to appear before the interview committee for selection process and hence her case cannot be considered now after the length of so many years and more so the scheme itself had been closed by the respondents. Accordingly the writ petition stands dismissed. No Costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Manager (P&A),
BHEL,
Ranipet, Vellore District.

2.Land Acquisition Officer &
the Special Tahsildar (L&A),
BHEL Unit II, Ranipet.

3.District Revenue Officer,
Ranipet, Vellore District.

4.The District Collector,
Vellore 9.

+1cc to M/s.Fox Mandal Associates, Advocate, S.R.No.72289
+1cc to the Government Pleader, S.R.No.72010

W.P.No.8316 of 2013

RV(CO)

rrs 28/11/2018



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