

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.09.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.13570 of 2018

A.Subramanian

....Petitioner

Vs

1. The Director of School Education,
DPI Campus,
Chennai - 600 006.
 2. The Chief Educational Officer,
Villupuram.
 3. The Head Master,
Government Higher Secondary School,
Koogaiyur,
Villupuram District.
 4. The Assistant Director of Employment & Training,
Professional and Service Employment Office,
Mandaiveli,
Chennai - 600 004.
- Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct the first respondent to consider representations dated 03.01.2018.

For Petitioner : Mr.R.Lakshminarayanan

For Respondents : Mrs.P.Kavitha,
Government Advocate

ORDER

As it appears from the averment made that the petitioner is an M.Sc., B.Ed., fit to be appointed as a P.G. Assistant Teacher in the Education service. His land 0.01.0 hectare was taken for construction of NLC tower, but no compensation was paid to him. However, the Tahsildar issued him a certificate on 06.09.1990 that he had provided his land for the above purpose and he may

be included in priority category for employment by the Employment Exchange as a land outstees and as such the petitioner was registered on the basis of said certificate in the Employment Exchange. Thereafter on 23.12.1992, his such certificate submitted was found to be not proper and as such his registration in the priority category was cancelled and the petitioner's name was considered only in the year 2008 in general category and he was appointed on 27.08.2008 as PG Assistant in the Government Higher Secondary School Mangaluru, Cuddalore. Thereafter on the verge of retirement, the petitioner submitted a representation before the second respondent indicating the fact that had he been treated as priority category he would have obtained appointment in the year 1996 and hence his appointment given be reckoned from the year 1996. In the meanwhile, the petitioner retired from service that is on 31.05.2018. Now he has filed this writ petition to consider his writ petition seeking a writ of mandamus as aforesaid.

2. I have heard the learned counsel for the petitioner who submits that since his priority certificate was cancelled without giving him a reasonable opportunity of hearing, the petitioner is entitled to benefit of priority category and as such writ of mandamus be issued directing the Authority to consider his representation and give him retrospective appointment from 1996 as a priority category candidate.

3. The learned counsel for the respondents however submits that the petitioner was never sponsored as priority category candidate and as such the writ petition seeking writ of mandamus is devoid of merits and the same is liable to be dismissed.

4. From the averments, it appears that the petitioner had got a certificate for priority in employment owing to the use of his land for erection of NLC tower, but such certificate was held to be not genuine for priority in the employment in the year 1992 as such the petitioner was not given the benefit of such certificate for priority in the employment and when his turn came, as per the normal employment exchange seniority, he got an employment. However, the petitioner on the verge of his retirement, gave a representation to ante date his employment considering him to get employment on priority for such certificate and consequently allow such benefit by ante dating his employment as he would have got by such certificate of losing the land for the purpose of the tower. The petitioner, when his such certificate for priority in employment was cancelled by the employment exchange, did not make any grievance. He got an employment not on such priority on account of losing of the land, but general turn of the employment exchange seniority. After entering into service also he did not

make any grievance, but just before his retirement, he came to file this writ petition and the ground taken is that since he was not given a chance of hearing before cancellation of his registration in the employment exchange to get employment on priority on account of losing of the land, he is entitled to the relief sought for. The petitioner's claim is totally a frivolous one and adventurous litigation. The petitioner wants to take a chance on a claim without any foundation. Therefore, this Court is of the view that this writ petition is liable to be dismissed with exemplary cost. However at this stage, the learned counsel as well as the petitioner having begged excuse for filing such litigation, this writ petition stands dismissed without any cost, but with a caution to the petitioner not to file such litigation in future.

5. With the aforesaid order, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Director of School Education,
DPI Campus, Chennai - 600 006.
2. The Chief Educational Officer,
Villupuram.
3. The Head Master,
Government Higher Secondary School,
Koogaiyur, Villupuram District.
4. The Assistant Director of Employment & Training,
Professional and Service Employment Office,
Mandaiveli, Chennai - 600 004.

+1cc to Mr.R.Lakshminarayanan, Advocate, S.R.No.61866
+1cc to Government Pleader, S.R.No.62127

W.P.No.13570 of 2018

CS/09/10/2018