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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.No.2504 of 2018
and CMP No.20331 of 2018

1. The State of Tamil Nadu,
Rep. by its Secretary,
Rural Development and Panchayat
Raj Department,
Fort St. George, Chennai - 600 009.

2. The Commissioner/Director of
Rural Development,
Panagal Building, Saidapet,
Chennai - 600 015.

3. The District Collector,
Cuddalore District at Cuddalore. ... Appellants

Vs.

1. K.Arulmozhidevan
2. K.Velmurugan

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the Order dated 09.06.2017 made in W.P.No.14348 of 2017. directing the respondents to forthwith consider the claim of the petitioners for absorption of them as Junior Assistants/Computer Assistants in any of the existing vacancies with all consequential service benefits thereto by allowing them to take part in the ensuing Special qualifying Test to be held pursuant to G.O.Ms.No.37 Rural Development and Panchayat Raj(E5) Department dated 22.03.2017 and by publication of the results thereto.

For Appellants : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

J U D G E M E N T

(Order of the Court was delivered by S.MANIKUMAR, J)

Instant writ appeal is directed against the order dated 09.06.2017 made in W.P.No.14348 of 2017.

2. Short facts leading to the filing of the appeal are as follows:



Respondents possess the qualification of Bachelor of Science (B.Sc.) and Diploma in Computer Application (D.C.A.). Therefore, when a scheme called "The Tamil Nadu Rural Employment Guarantee Scheme" under the National Rural Employment Guarantee Act, 2005 was introduced, they were appointed through sponsorship as Computer Assistants on 8.3.2007 and 23.6.2009 with an initial consolidated pay of Rs.4,000/-, which was revised to Rs.7,500/-. Presently, they are drawing a sum of Rs.11,500/- per month. Subsequently, when G.O.Ms.No.37, Rural Development and Panchayat Raj Department dated 22.3.2017 was issued for holding the Special Qualifying Test for the purpose of absorption of these types of Computer Assistants as Junior Assistants who have rendered five years of service as on 30.9.2015, the names of the respondents have been omitted to be included in the list of persons for writing the Special Qualifying Test, for the reason that they failed to possess the Bachelor Degree in Computer Application.

3. Therefore, respondents filed W.P.No.14348 of 2017, for a writ of Mandamus, directing the respondents therein/appellants to forthwith consider their claim for absorbing them as Junior Assistants / Computer Assistants in any of the existing vacancies with all consequential service benefits thereto by allowing them to take part in the ensuing Special Qualifying Test to be held pursuant to G.O.Ms.No.37, Rural Development and Panchayat Raj (E5) Department dated 22.03.2017 and by publication of the results thereto.

4. Writ Court, after hearing the learned counsel for both parties, allowed the writ petition and directed the respondents therein/appellants to consider the respondents for allowing them to take part in the ensuing Special Qualifying Test for the Post of Junior Assistant/Computer Assistant as notified in G.O.(Ms.) No.37, Rural Development and Panchayat Rat Department dated 22.3.2017 and pass appropriate orders positively within a period of four weeks from the date of receipt of a copy of the order.

5. Aggrieved by the abovesaid order, appellants have filed the instant appeal.

6. Though several grounds have been raised in the instant appeal, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, fairly submitted that on similar set of facts, this Court vide order dated 28.11.2017 made in WA No.1594 of 2017, dismissed the appeal filed by the State. He also produced the copy of the judgment.

7. Heard the learned Special Government Pleader and perused the material on record.

8. Perusal of the judgment in WA No.1594 of 2017 dated 28.11.2017, shows that the present appeal is squarely covered



by the abovesaid judgment. Therefore, the instant writ appeal is also dismissed. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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TO

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KAN(CO)
EU(05/12/2018)