



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2018

CORAM :

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THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P. (MD) No.16462 of 2018
and
W.M.P. (MD) No.14598 of 2018

Rajakumar

... Petitioner

Vs.

1. Government of Tamilnadu,
Rep. By its Secretary,
Highways Department,
Fort St. George, Secretariat,
Chennai.

2. The Zonal Engineer (Highways)
Highways Department, Ramanathapuram,
Ramanathapuram.

3. The Assistant Divisional Engineer,
High Ways and Road Ways Department,
Paramakudi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to appoint the petitioner as a driver from the date of his representation dated 14.08.2012.

For Petitioner : Mr.W.Pamelin

For Respondents : Mr.K.Saravanan
Government Advocate

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents herein to appoint the petitioner as a driver from the date of his representation dated 14.08.2012.

2. Heard Mr.W.Pamelin, learned counsel appearing for the petitioner and Mr.K.Saravanan, learned Government Advocate, appearing for the respondents.



3. The petitioner was appointed as Gang Mazdoor on temporary basis at the respondents department on 07.09.1997. Thereafter, pursuant to the Government Order in G.O.Ms.184/Highways HFN Department, dated 26.12.2007, he has been made permanent and has been working at the respondent department as permanent Gang Mazdoor.

4. The petitioner is having the educational qualification i.e., S.S.L.C (10th standard) and he has also acquired a driving licence to drive the light motor vehicle. The said qualifications have not been entered into the service register of the petitioner. When the vacancy arose by the respondent department for the post of Driver to drive the light motor vehicle, the petitioner's name was not considered, whereas, the junior was appointed to the post of Driver in the respondents department.

5. In this regard, the learned counsel appearing for the petitioner would submit that though the qualification including the driving licence of the petitioner has been included in the service register of the petitioner, the petitioner is not selected to the post of driver. In this regard, the petitioner has given a representation, dated 06.10.2014 to the respondents, which has not been considered stating that the petitioner's name is 'Rajkumar', whereas, in the service register, it has been entered as 'Rajakumar'. Since in the word 'Rajkumar', letter 'a' is missing and the driving licence of the petitioner stands in the name of 'Rajakumar' that has not been included.

6. I have heard Mr.K.Saravanan, learned Government Advocate appearing for the respondents, who would submit that, before opening the service register, the petitioner had given information through pro-forma dated 05.05.1999, wherein, he has given information that name in block letters in Tamil as "ராஜ்குமார்" and not as 'Rajakumar'. Based on such informations furnished by the petitioner through pro-forma, service register was opened in the name of 'Rajkumar' and not as 'Rajakumar' and subsequently, when the driving licence obtained by the petitioner, which was brought to the notice of the employer to enter into the service register. When it was verified, it was found that the driving licence stands in the name of 'Rajakumar' and therefore, there is a difference between the name 'Rajakumar' as found in the driving licence and 'Rajkumar' as found in the service register. The respondents were not able to register the qualification of the driving licence of the petitioner.

7. I have heard the said submission made by both sides.

8. The fact remains that the petitioner's name is 'Rajakumar' and in order to substantiate the name, his S.S.L.C book is also having the name of 'Rajakumar' and not 'Rajkumar'. Because of the wrong mentioning made in the pro-forma supplied by the petitioner himself in Tamil as "ராஜ்குமார்", it has been registered



in the service register as 'Rajkumar' and the said name differs with the name of 'Rajakumar' as found in the driving licence as well as in the S.S.L.C book, which, has not been considered by the respondents for inclusion or carried out in the said service register.

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9. In the result, it is claimed by the petitioner that the petitioner lost the opportunity of getting promotion / appointment / approval, whereas some of the juniors, who acquired driving licence subsequently, had been given promotion but the petitioner was not able to get the post of driver.

10. In that view of the matter by considering the said factual matrix of this case, this Court is inclined to pass the following order:-

"The petitioner shall produce a copy of the driving licence as well as the S.S.L.C. Certificate stands in the name of the petitioner i.e., 'Rajakumar' to the respondents, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to carry out the necessary amendment in the service register with the correct name of the petitioner i.e., 'Rajakumar' instead of 'Rajkumar'.

It is needless to mention that once the driving licence of the petitioner is entered into the service register, certainly, the respondents shall take care of the same for consideration of the post of Driver along with other candidates, in case of vacancy arise in future."

11. With this direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(W)

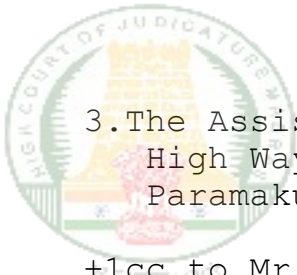
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Sub Assistant Registrar(CS-I)

To

1. The Secretary,
Highways Department,
Fort St. George, Secretariat,
Chennai.

2. The Zonal Engineer (Highways)
Highways Department, Ramanathapuram,



3.The Assistant Divisional Engineer,
High Ways and Road Ways Department,
Paramakudi.

+1cc to Mr.W.Pamelin Advocate in SR.No.75362

+1cc to Special Government Pleader, SR.No.75312

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