



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2018

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.20593 of 2018

Thirumalaikumar

.. Petitioners

Vs.

1. The State of Tamil Nadu,
represented by its Secretary
Health and Family Welfare Department,
Fort St.George,
Chennai-9.

2. The Director of Public Health and Preventive Medicine,
DMS Compound,
Teynampet,
Chennai-6.

3. The Deputy Director of Health Services,
Tirunelveli.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to consider the Petitioner's claim for appointment as Driver on regular basis by taking note of the Petitioner's previous experience of seven years and previous sponsorship from the Employment Exchange on priority basis based on the Petitioner's representation dated 04.6.2018 within the time stipulated by this Court.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.R.Sethuraman
Special Govt.Pleader

O R D E R

The Petitioner has come forward with this Writ Petition seeking to issue a Writ of Mandamus directing the respondents to consider the Petitioner's claim for appointment as Driver on



regular basis taking note of the Petitioner's previous experience of seven years and previous sponsorship from the Employment Exchange on priority basis based on the Petitioner's representation, dated 04.6.2018 within the time stipulated by this Court.

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2.Mr.R.Sethuraman, learned Special Government Pleader takes notice for the respondents. By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

3.The relief sought for by the Petitioner cannot be granted, as there is a delay of more than five years in approaching the Court, as according to him he was disengaged from service on 27.12.2012. The other persons said to have been appointed, had obtained the benefit of the order of this Court and their case has been considered at the appropriate stage. The request of the petitioner that the representation, dated 4.6.2018 may be considered, cannot be accepted, as it is not going to give solution to any of the issue raised in this Writ Petition. But it only leads to multiplicity of litigations. The Court should ensure that there is a finality to the litigation and as such the prayer sought for by the Petitioner cannot be granted. If the Petitioner had already been employed as stated above and subsequently disengaged, in case of any vacancy arises and advertisement is given, it is open to the Petitioner to participate in the selection process and if found successful, based on the qualification holding proper licence and other requirements, the case of the Petitioner may be considered by relaxing the age, as the petitioner is 47 years as on date. Registration in Employment Exchange alone cannot be a ground that the Petitioner should be given preference. The Supreme Court in a decision in the case of **Excise Superintendent .vs. K.B.N.Visweshwara Rao**, reported in **1996(6) SCC 216**, wherein, it is held that selection through Employment Exchange alone is not a mode of recruitment and wide publicity has got to be made for the purpose of selection.

4.In view of the above, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar(CS-II)



To:

1. The Secretary,
Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St.George,
Chennai-9.
- 2 .The Director of Public Health and Preventive Medicine,
DMS Compound,
Teynampet,
Chennai-6.
3. The Deputy Director of Health Services,
Tirunelveli.

+ 1 CC TO Mr.T.A.EBENEZER, ADVOCATE IN SR No. 87667
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 87934

VSN

TE/SV/SAR-2 : 23/11/2018 : 3P/6C

W.P. (MD) No.20593 of 2018
28.09.2018