



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.(MD) No.12289 of 2011

and

M.P.(MD) No.1 of 2011

P.Glory Padmabai

...Petitioner

Vs.

1. The Secretary to Government,
Tamil Nadu Public Works Department (Highway)
Secretariat, Chennai.

2. The Divisional Engineer (Highway)
Public Works Department,
Nagercoil.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent pertaining to its order in Ka.No.3559/2011/Aa3, dated 09-08-2011 and to quash the same and consequently direct the respondents to give appointment to the petitioner forthwith as Road Inspector Grade-II under Ex-Servicemen Category as per G.O.Ms.No.1161 (Personnel and Administrative Reforms (Personnel-R) Department) dated 22-11-1984.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.M.Muthu
Additional Government Pleader

O R D E R

The order of rejection dated 09.08.2011 issued by the second respondent is under challenge in this writ petition.

2.The learned counsel for the writ petitioner made a submission that the writ petitioner is fully qualified for the appointment to the post of Road Inspector and the petitioner's husband is an ex-serviceman and therefore, the benefit of the ex-servicemen has to be extended to the writ petitioner. The writ petitioner had participated in the process of selection and not selected. Thus, the writ petitioner is constrained to move the



present writ petition under Article 226 of the Constitution of India.

3.The only question arises in this writ petition is that whether the respondents have to provide appointment to the writ petitioner on the basis of the fact that the husband of the writ petitioner is an ex-serviceman.

4.The learned Additional Government Pleader appearing on behalf of the respondents relying upon the counter affidavit filed by the second respondent stated that the G.O.Ms.No.1161 (Personnel and Administrative Reforms (Personnel -R) Department) dated 22.11.1984 referred to by the writ petitioner, clearly states that the Assistant Director of Ex-Servicemen Welfare has requested 10% in the Employment Exchange for ex-servicemen permanently. This request has been examined in consultation with the Director of Employment and Training, Chennai. The Director of Employment and Training has also agreed the proposal of the Assistant Director of Ex-servicemen Welfare and also stated that suitable amendments may be issued to the Tamil Nadu last grade Government Servant Rules in this regard and the Government accordingly, directed 10% reservation of vacancies for Ex-servicemen in Tamil Nadu basic service. Therefore the G.O., cited supra could be applicable only for the last grade Government Servants and in respect of Ex-servicemen the G.O., cannot be applicable.

5.The learned counsel for the writ petitioner states that the State Government by the said G.O., has ordered that one dependent of Ex-servicemen should be given priority in public services. However, it is not made clear that the said position was incorporated in the notification issued for recruitment or not. This apart, the writ petitioner was not selected in the process of selection and further, now after a lapse of about 7 years, the case of the writ petitioner cannot be considered, in view of the fact that even at the time of filing the writ petition, the writ petitioner was aged about 45 years and now she would be aged about 52 years and therefore, the case of the writ petitioner cannot be considered as she is already over-aged.

6.In this view of the matter, no further adjudication is required in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/



To

1. The Secretary to Government,
Tamil Nadu Public Works Department (Highway)
Secretariat, Chennai.

2. The Divisional Engineer (Highway)
Public Works Department,
Nagercoil.

+ 1 cc TO The Special Government Pleader in SR No. 45957

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AE/KK/SAR1/26.03.2018/3P/4C

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31.01.2018