



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.4553 of 2011

WEB COPY

Manohar

... Petitioner

-vs-

- 1.The District Collector,
Pudukkottai,
Pudukkottai District.
- 2.The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.
- 3.The District Employment Officer,
Professional & Executive,
Employment Branch Officer,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceeding of the third Respondent in A1/23083/2009, dated 09.02.2010 and quash the same and consequently direct the third Respondent to include petitioner's name in the preference list of government employment within stipulated time.

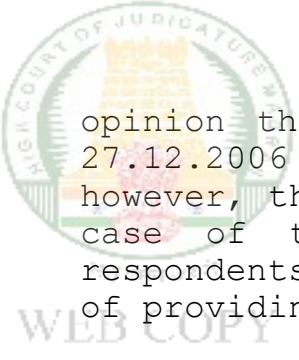
For Petitioner : Mr.A.Arun Prasad
For Respondents : Mr.M.Muthu,
Addl.Govt. Pleader

O R D E R

The grievance of the writ petitioner is that he is eligible to avail the benefit of public employment under the Land Losers Category.

2.The contention of the learned counsel for the petitioner is that the application seeking appointment under the Land Losers Category was submitted by the writ petitioner on 27.12.2006. However, he got married only on 18.02.2008 after two years from the date of application. Delay in providing appointment is at the instance of the respondents and the writ petitioner cannot be faulted with. The respondents had failed to consider the case of the writ petitioner in the year 2006-2007.

3.Thus, the order of rejection issued on 09.02.2010 stating that the writ petitioner got married as on 18.02.2008 is not in accordance with the legal principles settled. This Court is of the



opinion that the writ petitioner has submitted an application on 27.12.2006 seeking appointment under the Land Losers category, however, the petitioner got married only in the year 2008. Thus, the case of the writ petitioner has to be re-considered by the respondents in the light of the procedures and the rules in respect of providing appointment to Land Losers Category.

4. In this view of the matter, the order impugned passed by the third respondent vide proceedings in A1/23083/2009, dated 09.02.2010 is quashed and the third respondent is directed to re-consider the entire issue on merits and in accordance with law and pass orders, within a period of twelve weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Pudukkottai,
Pudukkottai District.
2. The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.
3. The District Employment Officer,
Professional & Executive,
Employment Branch Officer,
Madurai District.

+1cc to Mr.A.ARUN PRASAD, Advocate, SR.41184

W.P. (MD) No.4553 of 2011
09.01.2018

AM

KK/JC/SAR 2/02.02.2018/ 2P- 5C/