

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.21275 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondent in not selecting the petitioner to the post of Helper (Electrical) arisen under the backlog vacancies in the respondent-organization, as arbitrary and contrary to law, and consequently, to direct the respondent to consider the case of the petitioner for the post of Helper in the existing vacancy forthwith.

2. Heard Sri T.C. Krishnan, learned Counsel for the petitioner and Smt. B. Seshaveni, learned Standing Counsel for TTD.

3. It is the case of the petitioner that she responded to an advertisement issued inviting applications for the post of Helper (Electrical), wherein six posts for helpers (Elec.) were advertised. The said six posts are backlog vacancies and out of them, two posts were reserved for SC(B), two posts for SC(C) Women, one for SC(C) general and one for SC(D) general. The grievance of the petitioner is that she is a member belonging to SC(B) category and her case could not be considered for the post of SC(B) vacancy as two posts which were advertised were filled up with SC(B) general candidates.

4. Further, it is the case of the petitioner that the action of the respondent in reserving two posts for SC (C) women is arbitrary, because the posts are not being filled up as per the instructions issued by the Government from time to time. In the advertisement, erroneously two posts were reserved for SC(C) Women, and no posts were reserved for SC(B) women. Because of the incorrect approach in notifying the vacancies, the case of the petitioner could not be considered.

5. The learned Standing Counsel for the respondent contended that the respondent had issued limited recruitment notification as per the vacancies available, which were meant for sub-categorized SC candidates, and all the posts advertised were filled up, and as no post for SC(B) women was notified, the question of considering the case of the petitioner would not arise.

6. It has been brought to the notice of this Court by both the parties that the writ petitioner was selected in pursuance of the selection undertaken subsequently during the year 2011, and now, the only issue before this Court is as to whether the petitioner is entitled for the post from the year 2002 with retrospective effect.

7. This Court having considered the rival submissions made by the parties is of the view that the writ petitioner has not challenged the notification, which was issued by the respondent in the year

1998. Further, the respondent rightly filled up all the posts as notified. No illegality has been committed by the respondent. Therefore, the petitioner cannot contend that the posts advertised for different category in SC be filled up with the petitioner, who does not belong to SC (C) posts notified. There are no merits in the writ petition.

8. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.



ABHINAND KUMAR SHAVILI, J

Dated: 10th September, 2018.
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HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.21275 OF 2002



10/09/2018

Nn.