

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.02.2019
CORAM
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.2395 of 2019
and
WMP.No.2640 of 2019

K.Thalith Kumar

... Petitioner

Versus

1. The Principal Secretary to Government,
Employment Department,
Fort St.George,
Chennai - 600 009.
 2. The Executive Director / General Manager,
Chennai Metropolitan Water Supply & Sewerage Board,
Personnel and Administration (R&A) Department,
No.1, Pumping Station Road, Chintadripet,
Chennai-6000 002.
 3. The sub Collector, Vellore District,
Vellore - 600 009.
 4. The Tahsildhar,
Gudiyatham Taluk,
Vellore District
- ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to appoint the petitioner for the post of Assistant Engineer (Electrical) under Land Loser's priority category for the direct recruitment in CMWSSB-2017 in pursuance of certificate verification call letter dated 24.08.2018 made in Memorandum No.CMWSSB/P&A/STF/RA3/4905/2016 based on the priority certificate dated 13.12.2013 issued by the Revenue Divisional Officer, Vellore-09 in Na.Ka.P1/7085/2012 forthwith.

For Petitioner : Mr.G.Vinodh Kumar
For Respondents : Mr.A.N.Thambidurai
Spl. Govt. Pleader for R2
Mr.D.SuriyaNarayanan,
Addl.Govt.Pleader for R1,3,4

O R D E R

The relief sought for in the present writ petition is to direct the respondent to appoint the petitioner to the post of Assistant Engineer (Electrical) under Land loser's priority category for direct recruitment in the Board.

2. Undoubtedly, the family of the writ petitioner lost their property on account of acquisition proceedings initiated for the purpose of allotting the land to the respondent Board. Therefore, the case of the writ petitioner can be considered under the priority category of land loser's for providing public appointment. If the scheme for grant of priority is available with the respondent Board and if the writ petitioner is eligible, his case can be considered for providing any suitable appointment in any one of the suitable post. However, such priority category is to be granted strictly in accordance with the terms and conditions of the rules and by considering all the eligible persons, who all are waiting in the que to secure public employment under the land loser's priority category.

3. This Court is of an opinion that, in such priority categories, for public appointment has to be considered uniformly and in accordance with the Government orders and guidelines in this regard. There cannot be any violation. Thus, merely by filing a writ petition, the writ petitioner cannot secure a public appointment, more specifically, to the post of Assistant Engineer. Even the post can never be claimed as a matter of right. The case of the writ petitioner shall be considered in accordance with the terms and conditions of the scheme of priority category for land loser's, if it is in force.

4. With these observations, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

Pkn
To

1. The Principal Secretary to Government,
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Chennai - 600 009.
2. The Executive Director / General Manager,
Chennai Metropolitan Water Supply & Sewerage Board,
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3. The Sub Collector, Vellore District,
Vellore - 600 009.

4. The Tahsildhar,
Gudiyatham Taluk,
Vellore District

+1cc to Mr.G.Vinodh Kumar, Advocate SR.No. 17751

+1 CC TO GOVERNMENT PLEADER SR.NO. 18258

W.P.No.2395 of 2019

A.SK(25/03/2019)



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