

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.02.2019

CORAM

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

W.P.No.4116 of 2019

and

W.M.P.Nos.4624 & 4627 of 2019

K.Periyandavan

..Petitioner

vs

1. The Director,
Adi Dravidar & Tribal Welfare Department
Ezhilagam Building
Chennai - 600 005

2. The District Collector,
Kancheepuram District
Kancheepuram.

3. The District Adi Dravidar Welfare Officer,
Kancheepuram District,
Collectorate Campus,
Kancheepuram.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings in Na.Ka.No.13157/11/J4 dated 26-3-2014 passed by the 3rd respondent and quash the same consequently direct the respondents to appoint the petitioner as Secondary Grade Teacher in Adi Dravidar welfare school at Kancheepuram District with effect from 2001 with all monitory and service benefits to the petitioner.

For Petitioner : Mr.M.Rajendiran

For Respondents : Mr.R.S.Selvam, Government Advocate

O R D E R

The relief sought for in the present writ petition is to call for the records of the impugned proceedings in Na.Ka.No.13157/11/J4 dated 26-3-2014 passed by the 3rd respondent and quash the same consequently direct the

respondents to appoint the petitioner as Secondary Grade Teacher in Adi Dravidar welfare school at Kancheepuram District with effect from 2001 with all monitory and service benefits to the petitioner.

2.The writ petitioner had completed B.A., Corporate Secretreship in the year 1991 and B.Ed., in the year 1995. The writ petitioner is now aged about 53 years. The petitioner had completed M.Com., M.Phil., and B.A.,(English) also. Thus, the writ petitioner claims that he is fully qualified for appointment to the Post of Secondary Grade Teacher in the Education Department. The complaint made by the writ petitioner before the authorities was that the candidates, who were not qualified and lesser age than that of the writ petitioner were sponsored by the Employment Exchange and appointed as Secondary Grade Teacher. In other words, the complaint of the writ petitioner was that the Employment seniority had not been followed strictly. The employment seniority had been violated by the employment officers as well as by the appointing authorities. The impugned order dated 26.03.2014, states that no candidate was appointed in violation of the employment seniority and they have verified the registrar in this regard. This apart, as of now, the appointment to the Post of Secondary Grade Teacher are made only through the Teacher Recruitment Board and by conducting open competitive process. Thus, the claim of the writ petitioner to appoint him from the year 2001 is absolutely untenable.

3.This Court is of an opinion that the complaint made in respect of violation of employment seniority by the writ petitioner itself is highly belated. The writ petitioner has not made out or established any point to show that his juniors were already appointed. In the absence of establishing any such specific case of violation, this Court is of an opinion that the relief as such sought for cannot be granted.

4.This Court is of an opinion that if at all, any violation of employment seniority during the year 1996 or 2001, the same cannot be now probed after a lapse of 17 years. In view of the fact that the procedure of selection for appointment to the Post of Secondary Grade Teacher underwent many changes and now, the Teacher Recruitment Board is conducting a open selection process, this Court is of an opinion that the writ petitioner has to participate in the selection process through the Teachers Recruitment Board for the purpose of securing employment to the Post of Secondary Grade Teacher.

5.This being the procedures, the writ petitioner has not made out any acceptable ground for the purpose of considering the relief as such sought for in the present writ petition and

accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Director,
Adi Dravidar & Tribal Welfare Department
Ezhilagam Building
Chennai - 600 005
 2. The District Collector,
Kancheepuram District
Kancheepuram.
 3. The District Adi Dravidar Welfare Officer,
Kancheepuram District,
Collectorate Campus,
Kancheepuram.
- +1 cc to Mr.M.Rajendran, Advocate, S.R.No.14578
+1 cc to the Government Pleader, S.R.No.14090

PPA (CO)
SSM(11/03/2019)

W.P.No.4116 of 2019

सत्यमेव जयते

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