

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26162 of 2019
and
W.M.P.No.25526 of 2019

E.Murugaesan

.. Petitioner

Vs.

- 1.The Government of Tamilnadu,
represented by the Secretary,
Department of Law,
Secretariat,
Fort St.George,
Chennai- 600 009.
- 2.The Director of Legal Studies,
O/o.the Directorate of Legal Studies,
Kellys,
Chennai- 600 010.
- 3.The Principal,
Government Law College,
Ramanathapuram.
- 4.The Secretary,
University Grants Commission,
Bahadur Sha Zafar Marg,
New Delhi.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to forward the APARS (Annual performance Assessment Report) for five years, integrity certificate and vigilance clearance certificate of the petitioner to the fourth respondent forthwith.

For Petitioner : Mr.R.Rajarajan
For R1 : Mrs.A.Srijeyanthi
Additional Government Pleader

For R2 and R3 : Mr.V.Kadirvelu
Special Government Pleader

ORDER

This petition is filed seeking a direction, directing the respondents 1 to 3 to forward the APARS (Annual performance Assessment Report) for five years, integrity certificate and vigilance clearance certificate of the petitioner to the fourth respondent.

2.The learned counsel for the petitioner submitted that the petitioner has completed Bachelor's degree in Law in the year 2003 and enrolled himself as an Advocate in enrollment No.1612/2003. He had been practicing as Advocate in Madurai Bench of Madras High Court and completed Master's degree in Law from the University of Madras. The petitioner applied for the post of Lecturer (Senior Scale) called for by the Teachers Recruitment Board and succeeded in both the written examination and interview as Lecturer(Senior Scale) in the subject of Constitutional law and International Law vide G.O.Ms.No.422 (Law)(LS) dated 09.07.2012 and appointed in Government Law College, Trichy on 13.07.2012. Later, the petitioner got transfer to the Government Law College, Madurai and to New Government Law College, Ramanathapuram and again transferred to Government Law College, Madurai in June 2019.

3.Subsequently, the petitioner has completed Ph.D., in the year 2015. The fourth respondent herein called for applications to the post of Deputy Secretary and Education Officer. Since, the petitioner is fully qualified, he had applied for the posts. The fourth respondent in the terms and conditions in the notification, directed that the forwarding authority is to ensure that the applications must be accompanied by APARs for last five years, integrity certificate and vigilance clearance certificate. Therefore, the petitioner made representation to the respondents 1 to 3 on 08.04.2019, requesting to forward the petitioner's application along with the Chief Vigilance Officer's report to the fourth respondent. Since, no action has been taken on his representation, he apprehends that the opportunity of being selected as a Deputy Secretary or an Education Officer, would be ruined. Hence, this writ petition came to be filed.

4.Considering facts and circumstances of this case, without expressing any opinion, I am inclined to issue direction to the respondents to consider the petitioner's representation dated

08.04.2019, if not disposed already within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pnn

To

- 1.The Government of Tamilnadu,
represented by the Secretary,
Department of Law,
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Chennai- 600 009.
- 2.The Director of Legal Studies,
O/o.the Directorate of Legal Studies,
Kellys,
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Ramanathapuram.
- 4.The Secretary,
University Grants Commission,
Bahadur Sha Zafar Marg,
New Delhi.

+lcc to Government Pleader sr.77712, 77752
+lcc to Mr.R.Raja Rajan, Advocate sr.77245

W.P.No.26162 of 2019
and
W.M.P.No.25526 of 2019

rsi(co)
nr 25/10/2019