

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

C O R A M

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Writ Petition No. 25755 of 2018

S.Veeramani

... Petitioner

Vs.

- 1.The Managing Director
Repco Bank, Head Office
No.33, North Usman Road
T.Nagar, Chennai - 600 017.
- 2.The Chief General Manager
Repco Bank, Head Office
No.33, North Usman Road
T.Nagar, Chennai - 600 017.
- 3.The General Manager (Admin.)
Repco Bank, Head Office
No.33, North Usman Road
T.Nagar, Chennai - 600 017.
- 4.The Joint General Manager
Liaison Officer for SC/ST Employees
Repco Bank, Head Office
No.33, North Usman Road
T.Nagar, Chennai - 600 017.
- 5.The Regional Director
National Commission for Scheduled Castes
2nd Floor, Block - 5
Shastri Bhavan, Chennai 600 006.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 & 4 to consider the petitioner representation, dated 29.08.2018, to provide the records to verify the communal reservation roster in appointment and promotion of SC/ST employees in the bank as per Government guidelines to protect the interest of SC /ST employees.

For Petitioner : M/s.S.Radhakrishnan

For Respondents : M/s.A.Ilangovan [For R1 to R4]

O R D E R

The relief sought for in the present writ petition is to consider the petitioner's representation dated 29.08.2018 to provide the records to verify the communal reservation roster in appointment and promotion of SC/ST employees in the bank as per Government guidelines to protect the interest of SC /ST employees.

2.It is needless to state that the rule of reservation has to be strictly followed while invoking the process of selection. The authorities competent are bound to follow the same and the reservation provided to SC/ST are constitutional mandate and there cannot be any violation or dilution. However, mere representation submitted by the writ petitioner in this regard need not be considered as the authorities competent are bound to implement the rule of reservation in its letter and spirit. The direction to dispose of the representation cannot be granted in a routine manner. For issuing such a direction the petitioner has to establish a legal right. If at all any violation in the rule of reservation then the petitioner has to challenge the same and in the absence of any such challenge, this Court would not be in a position to issue any direction to consider the representation. Such general direction cannot be issued as the writ petitioner has not established any cause for interference, it is a precondition that the petitioner should establish a legal right as well as cause of action.

3.Even recently, the Hon'ble Supreme Court of India in the case of Government of India, Vs. P.Venkatesh in Civil Appeal No.2425/2019 dated 01.03.2019, held as follows:-

"..... This 'dispose of the representation' mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicatory institutions. But, they do no service to the cause of justice. The litigant is back again before the Court, as this case shows, having incurred attendant costs and suffered delays of the legal process. This would have been obviated by calling for a counter in the first instance, thereby resulting in finality to the dispute. By the time, the High Court issued its direction on 9 August 2016, nearly twenty one years had elapsed since the date of the death of the employee."

4.In the present case on hand, the writ petitioner has not established any infringement of constitutional or legal right. In the absence of establish any infringement, this Court would

not be in a position to issue a direction as such sought for in the present writ petition.

5. Accordingly, the relief sought cannot be granted and the writ petition stands dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

may

To

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2nd Floor, Block - 5
Shastri Bhavan, Chennai 600 006.
- +1 cc to Mr.S.Radhakrishnan, Advocate, Sr.No. 27413
+1 cc to Mr.A.Ilangovan, Advocate, Sr.No. 27020

W.P. No. 25755 of 2018

GJII(CO)
CSL/26.04.2019