

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 12.04.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.8813 of 2019**

T.Suguna

... Petitioner

Vs.

- 1.The Secretary,
Tamil Nadu Public Service Commission,
(TNPSC), Chennai - 3.
- 2.The Principal Secretary/
The Commissioner of Commercial Taxes,
Chennai.
- 3.The Commissioner,
Commercial Taxes, Tirunelveli Division,
Tirunelveli.
- 4.The Joint Commissioner,
Commercial Taxes, Tirunelveli Division,
Commercial Taxes Complex,
AR Lane Road, Tirunelveli - 2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to regularize the petitioner's seniority vide proceedings Proc.Roc.A8/14021/2010-6, dated 28.10.2010 on par with other candidates selected vide above proceedings vide her representation, dated 03.12.2018.

For Petitioner : Mr.D.Saravanan

For R - 1 : Mr.D.Sivaraman

For R - 2 to R-4 : Mr.V.Anand,
Government Advocate.**ORDER**

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to regularize the petitioner's seniority vide proceedings, dated 28.10.2010 on par with other candidates selected, by considering her representation,



2. Heard Mr.D.Saravanan, learned counsel appearing for the petitioner; Mr.D.Sivaraman, learned counsel, who takes notice for the first respondent and Mr.V.Anand, learned Government Advocate, who takes notice for the respondents 2 to 4. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The grievance of the petitioner is that earlier she filed a Writ Petition in W.P(MD)No.8924 of 2007, to direct the first respondent to appoint the petitioner as a Typist in the office of the first respondent under the Scheduled Caste category on par with other candidates and this Court, by order dated 14.11.2007, directed the first respondent to treat the petitioner as Schedule Caste Community and issue the appointment order to the petitioner, if she is otherwise qualified. Subsequent to the same, the petitioner was directed to appear before the District Community Certificate Verification, Vigilance Commission and the same was proved to be genuine, vide proceedings, dated 24.04.2015. The further grievance of the petitioner is that even though she was selected on 28.10.2010 along with other persons, her selection alone was withheld by the first respondent. Hence, the petitioner sent a representation to the respondents, dated 03.12.2018, seeking to regularize her service and the same has also been forwarded to the first respondent by the third respondent, by proceedings, dated 14.02.2019. Thereafter, no order has been forthcoming. Hence, the petitioner is before this Court.

4. The learned counsel as well as the learned Government Advocate appearing for the respective respondents submitted that the representation of the petitioner would be considered on merits.

5. In view of the above submission, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner, dated 03.12.2018 seeking to regularize her service, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



To

1. The Secretary,
Tamil Nadu Public Service Commission,
(TNPSC), Chennai - 3.
2. The Principal Secretary/
The Commissioner of Commercial Taxes,
Chennai.
3. The Commissioner,
Commercial Taxes,
Tirunelveli Division,
Tirunelveli.
4. The Joint Commissioner,
Commercial Taxes,
Tirunelveli Division,
Commercial Taxes Complex,
AR Lane Road,
Tirunelveli - 2.

+1 CC to M/s.D.SARAVANAN, Advocate (SR-61139[F] dated 15/04/2019)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-61071[F] dated 15/04/2019)

+1 CC to M/s.SPL GP (SR-61249[F] dated 16/04/2019)

PS

W.P (MD) No. 8813 of 2019
12.04.2019

KM/ (02.05.2019) 3P 8C