



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2019

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD) No.1266 of 2016

and

W.M.P. (MD) Nos.1035 & 1036 of 2016 and 19802 of 2017

M.Gnanasekaran
Petitioner

...

vs.

1.The Chief Engineer,
Agricultural Engineering Department,
487, Anna Salai, Nandanam,
Chennai - 600 035.

2.The Executive Engineer,
Agricultural Engineering Department,
60, TPK Road,
Madurai - 625 011.

...

Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to appoint the petitioner as a watchman in the second respondent department under the category of Ex-servicemen schedule caste category.

For Petitioner :Mr.M.Saravana Kumar
For Respondents :Mr.C.M.Mari Chellaiah Prabhu
Additional Government Pleader

ORDER

The appointment of the petitioner as a Watchman in the respondent department came to be withheld without passing any orders. Hence, the petitioner approaches this Court.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The learned counsel for the petitioner submits that the petitioner fills all the required qualifications and eligibility criteria, even then, without any rhyme or reason, his



appointment came to be withheld.

4. A Counter affidavit came to be filed by the first respondent, wherein it is observed as follows:-

"21.I therefore submit that on three grounds, the petitioner is not eligible for appointment as Watchman. One, he has not reached his turn under Ex-Servicemen quota. The rotation filled by the second respondent is the first rotation and as per the said statutory provisions, the petitioner is not eligible for direct recruitment under Ex-Servicemen quota which in turn can be made only in the second rotation. He has not reached his turn as per the above provisions and reaching his quota is only in the second rotation. Therefore, until his quota comes, he cannot be considered under Ex-Servicemen quota. Two, as he has not secured top marks, he is not eligible for placing under the General Turn. Three, in the quota of Scheduled Castes (Arunthathiyars on preferential basis) also he will not be in the zone of consideration since there are about 16 candidates who have scored more marks than him. However, in obedience to the interim orders of this Court, dated 21.01.2016, one post in the category of Scheduled Castes (Arunthathiyars on preferential basis) is kept vacant. Hence, at the time of filling up of the post in future for the quota of Scheduled Castes (Arunthathiyars on preferential basis), he will not be in the zone of consideration as he is not the topper. On these grounds the writ petition ought to have been dismissed as not maintainable."

5. Such stands taken by the respondents are stoutly refuted by the learned counsel for the petitioner, who submits that no order on those lines has been passed and got served upon the petitioner.

6. In such view of the matter, to give quietus to this issue, this writ petition stands disposed of with a direction to the respondents to pass appropriate orders with regard to the selection of the petitioner, after affording an opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. Till passing of such an order, the interim order already granted by this Court on 21.01.2016 will continue. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)



Sub Assistant Registrar

WEB COPY

To

1.The Chief Engineer,
Agricultural Engineering Department,
487, Anna Salai, Nandanam,
Chennai - 600 035.

2.The Executive Engineer,
Agricultural Engineering Department,
60, TPK Road,
Madurai - 625 011.

1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-49964[F] dated
26/02/2019)

+1 CC to M/s.SPL GP (SR-50104[F] dated 27/02/2019)

W.P(MD) No.1266 of 2016

and

W.M.P. (MD) Nos.1035 & 1036 of 2016

and 19802 of 2017

26.02.2019

DS/ /SAR- (18.03.2019) 3 P 5C