



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.19310 of 2019

WEB COPY

P.Densing

... Petitioner

Vs.

1.The Managing Director,
Arasu Rubber Corporation Limited,
(Tamil Nadu Government Company),
Vadasery,
Nagercoil,
Kanyakumari District.

2.The Divisional Manager,
Arasu Rubber Corporation Limited,
(Tamil Nadu Government Company),
Keeriparai Division,
Keeriparai,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to appoint the petitioner as Tapper Supervisor in the second respondent's Office, based on the petitioner's representation dated 27.04.2019.

For Petitioner : Mr.L.George Paul Anto

For Respondents : Mr.C.Ramar,
Additional Government Pleader

ORDER

This writ petition is filed seeking for a mandamus directing the respondents to appoint the petitioner as Tapper Supervisor in the second respondent's Office, based on the petitioner's representation dated 27.04.2019.

2.Mr.C.Ramar, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, he was appointed as Tapper on daily wage basis on 19.03.1988 and he is working under the second respondent. Now, there is a vacancy in the post of Tapper Supervisor. The second respondent by the notification, dated



23.04.2019 called for application for the post of Tapper Supervisor. The petitioner made representation on 27.04.2019 to appoint him as a Tapper Supervisor based on his seniority. The second respondent by the proceedings, dated 14.06.2019 and 29.07.2019 called the petitioner to attend the eligibility test for the post of Tapper Supervisor.

4. According to the learned counsel for the petitioner, the Tapper Supervisor is appointed only based on the seniority among the Tapper. No eligibility test is required. The petitioner is being senior most Tapper and he is entitled to be appointed as Tapper Supervisor. The petitioner has given representation on 27.04.2019 to the second respondent to appoint him as Tapper Supervisor. Till date, the second respondent has not passed any orders and hence, the petitioner has filed the present writ petition.

5. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the petitioner is not qualified to be appointed as Tapper Supervisor. The respondents called the petitioner to participate in the eligibility test on two occasions on 14.06.2019 and 29.07.2019. The petitioner did not participate in the eligibility test and therefore, the petitioner is not entitled to claim appointment to the post of Tapper Supervisor and prayed for dismissal of the writ petition.

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

7. The petitioner is seeking for a direction to the second respondent to appoint him as Tapper Supervisor. The petitioner is not entitled to such direction from this Court. The petitioner has not furnished any particulars as to the qualification and the method of appointing the Tapper Supervisor. Further, it is the submission of the learned Additional Government Pleader that the petitioner did not attend the eligibility test and therefore, the petitioner is not entitled to be appointed to the said post.

8. Considering the above facts, the writ petition is dismissed. It is open to the petitioner to give fresh representation to the second respondent with full particulars as to how, he is eligible to be appointed as Tapper Supervisor. If any such representation is made, the second respondent is directed to consider the same and pass orders on merits and in accordance with law, as expeditiously as possible. No costs.



9. With the above direction, the writ petition is disposed of.
No costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (P&A)

Sub Assistant Registrar (CS)

To

1. The Managing Director,
Arasu Rubber Corporation Limited,
(Tamil Nadu Government Company),
Vadasery,
Nagercoil,
Kanyakumari District.
2. The Divisional Manager,
Arasu Rubber Corporation Limited,
(Tamil Nadu Government Company),
Keeriparai Division,
Keeriparai,
Kanyakumari District.

+1 CC to SP1 GP (SR-85888[F] dated 09/09/2019)

+1 CC to Mr.GEORGE PAUL ANTO, Advocate (SR-85453[F] dated
05/09/2019)

W.P. (MD) No.19310 of 2019
05.09.2019

am

MK (20.09.2019) 3P 5C