

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2020

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. 10012 of 2013

and

M.P. 1 of 2013 & W.M.P. 3249 of 2017

S.Prasath

... Petitioner

Vs

1. The State of Tamil Nadu,
rep. by its Secretary,
Labour and Employment Department,
Fort St. George,
Chennai-600 009.

2. The Chairman, Selection Committee,
The Managing Director,
Tamil Nadu Water Supply and
Drainage Board,
No.31, Kamarajar Salai,
Chepauk, Chennai-600 005.

3. The Director of Employment
Exchange, Guindy,
Chennai.

4. The District Employment Officer,
Krishnagiri-635 001.

5. The Assistant Director,
Professional and Execution
Employment Office,
Santhome High Road,
Chennai-600 028.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to appoint the petitioner to the post of Junior Draughting Officer based upon the petitioner's academic excellence as well as the successful performance in written and oral interview conducted by the 2nd respondent with particular reference to the reservation available to the petitioner under the category of legal heir of freedom fighter, Tamil servant, by placing the petitioner at the appropriate level in the post of Junior Draughting Officer on par with the candidates selected as per the proceedings No.3, dated 14.12.2012 on the file of the 2nd respondent.

For Petitioner : Mr.D.Shivakumaran
for Mr.S.Mani

For Respondents : Mrs. M.Jayasree
Govt. Pleader for R1 to R3

Mrs.S.Thamizharasi for R2

O R D E R

This Writ Petition has been filed seeking a direction to the 2nd respondent to appoint the petitioner as a Junior Draughting Officer under the category of legal heir of freedom fighter on par with the candidates selected as per the proceeding No.3 dated 14.12.2012 on the file of 2nd respondent.

2. The grievance of the petitioner is that, he was a Diploma holder in Mechanical Engineering and he has obtained 50.30% marks out of 100 marks. The petitioner has applied for the post of Draughtsman under the reserved category of freedom fighter, but he was not selected. Hence, the present Writ Petition has been filed.

3. Mr.D.Shivakumaran, learned counsel appearing for petitioner would submit that, even though the petitioner's name was already sponsored by the employment exchange, for the selection of appointment to the above said post, his name was not considered by the respondents Board, ultimately, he was not selected.

4. The 2nd respondent has filed a counter affidavit stating that, the employment exchange has sponsored four names belongs to freedom fighter category, including the name of petitioner, and the total number of vacancies available was 37 and only one seat is considered for the freedom fighter quota. Among four persons names sponsored, one Mr.S.Vadivelkumar was selected on the basis of merit, as he has obtained 61.07% over all, whereas, petitioner has obtained only 50.30%. Hence, the petitioner was not selected.

5. I have considered the rival submissions made by the learned counsel appearing for petitioner as well as learned counsel appearing for respondents and perused the records carefully.

6. Considering the fact that, the petitioner name was already considered in the freedom fighter category, and he was also sponsored by the Employment exchange. However, as only one post was available in the reserved category, another candidate, who has more meritorious than the petitioner was appointed. In the above circumstances, the petitioner cannot have any grievance over the same. Hence, the prayer sought by

the petitioner cannot be granted, and the Writ Petition deserves to be dismissed. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO MDU)

//True copy//

Sub Assistant Registrar

rpp

To

1. The Secretary,
State of Tamil Nadu,
Labour and Employment Department,
Fort St. George,
Chennai-600 009.
2. The Chairman, Selection Committee,
The Managing Director,
Tamil Nadu Water Supply and
Drainage Board,
No.31, Kamarajar Salai,
Chepauk, Chennai-600 005.
3. The Director of Employment
Exchange, Guindy,
Chennai.
4. The District Employment Officer,
Krishnagiri-635 001.
5. The Assistant Director,
Professional and Execution
Employment Office,
Santhome High Road,
Chennai-600 028.

+1cc to Mr.D.Shivakumaran, Advocate SR.No.20310

+1cc to Mrs.S.Thamizharasi, Advocate SR.No.20102

+1cc to Government Pleader SR.No.20640

W.P. 10012 of 2013
and

M.P. 1 of 2013 &
W.M.P. 3249 of 2017

RLD (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
GM (27/07/2020)