

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 19.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.12988 of 2013

V.Kasthuri Bai

.. Petitioner

- Vs -

1.The Chief Educational Officer,
Krishnagiri District.

2.The District Employment Officer,
Krishnagiri District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the respondent to consider the claim of the petitioner and appoint her in the proper employment on par with her junior based on the representation of the petitioner dated 24.12.2012.

For Petitioner : M/S.M.A.Gouthaman

For Respondents : Mr.S.Sureshkumar, G.A.

ORDER

The writ petition was filed by the petitioner, to direct the respondent to consider the claim of the petitioner and appoint her in the proper employment on par with her junior based on the representation of the petitioner dated 24.12.2012.

2.The case of the petitioners is that the petitioner has completed higher secondary education in the year 1986 and joined the course of technical teacher and underwent a course of sewing craft and obtained degree from Govt. Madrasa-I-Azam Hr. Secondary School, Madras in the year 1987 with a register number of 2900 and enrolled the same in the Employment Exchange of Krishnagiri vide registration No.W3441 of 1986 dated 31.12.1986, and periodically renewed by her. Further the petitioner has also undergone to many examinations as Embroidery Needle Work, Dress making and passed with a second class. The grievance of the petitioner is that though she is possessed of

all qualifications for sponsoring her name for employment opportunity, however till date her name was not considered for any employment, she has not received any intimation letter or call letter from the employment exchange, but one of her junior has been appointed in government services. Against the contrary activity of the employment exchange, the petitioner sent a representation to the respondents employment exchange on 24.12.2012, however till date her name was not considered for any government employment, hence, the present petition has been filed.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The facts in issue are not in dispute. The main plank on which the petitioner places his grievance is that the person, viz., one Jayashree, who was junior to the petitioner in the employment exchange seniority, has been appointed in Government service, while the petitioner has not been given any opportunity.

5. The materials placed on record by the petitioner reveals that the petitioner has qualified herself in arts and crafts and has acquired many Diplomas, which is not in dispute. However, there is no averment in the petition that the said Jayashree, who has been alleged to be junior to the petitioner, has been appointed in Government service was possessed of identical qualifications as that of the petitioner and that in her place the petitioner could very well have been accommodated. The qualifications and the post in which the said person, who is junior to the petitioner, has been appointed has not been spoken to by the petitioner anywhere in the affidavit. Except for a bald statement that a person, junior to the petitioner has been appointed in Government service and that the petitioner has not been given any appointment, cannot be a ground to grant the relief as sought for. Equating the petitioner to the person, who is alleged to be junior to the petitioner in the employment exchange seniority, is wholly impermissible, as it is not the case of the petitioner that the said person and the petitioner are identically placed in terms of qualification and that the petitioner could very well have been accommodated in the post in which the said person has been appointed. In the absence of any material to the above effect, mere allegations of the petitioner that a person junior to him in the employment exchange seniority has been granted appointment in Government service, which benefit should enure to the petitioner as well, is wholly misconceived.

6.For the reasons aforesaid, this writ petition fails and the same is dismissed. However, there shall be no order as to costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Chief Educational Officer,
Krishnagiri District.

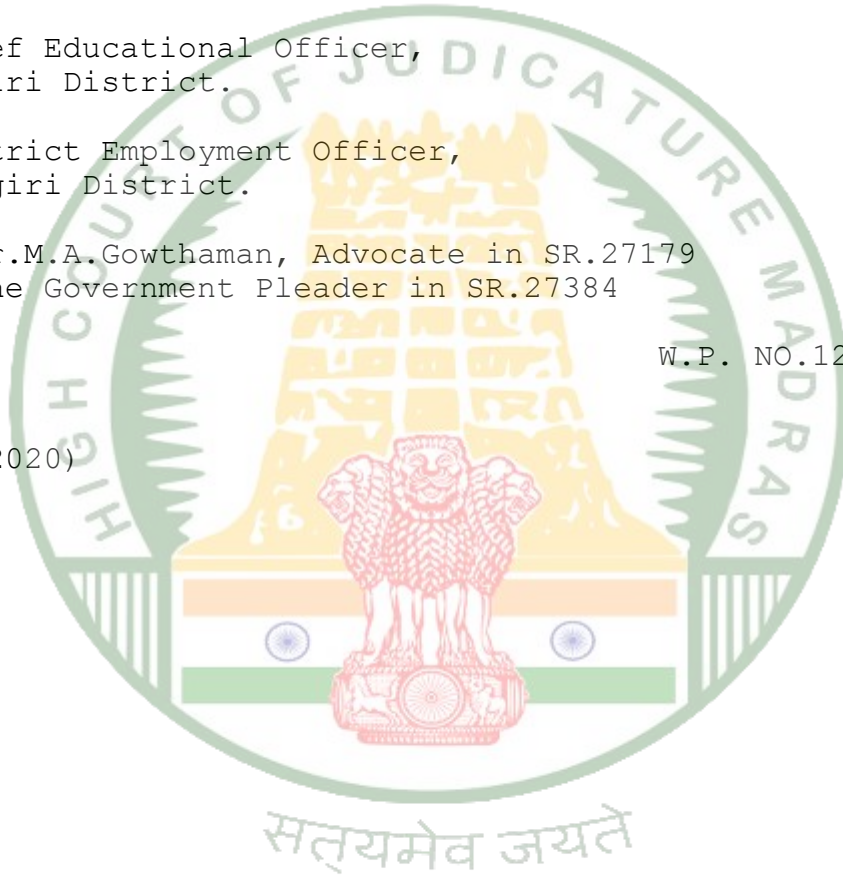
2.The District Employment Officer,
Krishnagiri District.

+1cc to Mr.M.A.Gowthaman, Advocate in SR.27179

+1cc to The Government Pleader in SR.27384

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