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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 22140 OF 2013

A.S.Anbarasi

.. Petitioner

- Vs -

- 1.The Commissioner,
Employment & Training Directorate,
(Training Wing), Commissionerate,
Guindy, Chennai 600 032.
- 2.The joint Director,
Employment & Training Directorate,
(Training Wing), Commissionerate,
Guindy, Chennai 600 032.
- 3.The District Employment Officer,
Cuddalore.
- 4.The General Secretary,
Cuddalore Central Cooperative Bank,
Cuddalore.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to appoint the petitioner in a post befitting her qualification with the 4th respondent with effect from 27.11.2010 with all benefits.

For Petitioner :M/S.D.Baskar

For Respondents :Mr.A.N.Thambidurai, Spl.G.P

ORDER

This Writ Petition has been filed by the petitioners, to direct the respondents to appoint the petitioner in a post befitting her qualification with the 4th respondent with effect from 27.11.2010 with all benefits.

2.The case of the petitioner is that the petitioner belongs to Most Backward Community and completed Commerce Degree and also completed Diploma in Computer application and Financial



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Management. It is the averment of the petitioner that the 4th respondent requested respondents 1 to 3 to sponsor the names of the eligible candidates for appointment in the 4th respondent Bank. The grievance of the petitioner is that the respondents 1 to 3 have sponsored the names of 157 persons out of which 39 person seem to have been appointed, however the petitioner's name was not recommended. Later she came to know that her known friend was appointed in the 4th respondent bank even though she is junior to her. Immediately thereafter, the petitioner addressed the 3rd respondent on 26.12.2012 seeking information as to why her name was not included, however there was no reply at all. Thereafter she tried to get the information under RTI as well as filed appeal to the respective respondents, however no reply was furnished or any valid reason has been given for such omission. Aggrieved against the same the petitioner filed this petition with the above said prayer.

3. Learned counsel appearing for the petitioner submitted that without providing valid reasons the petitioner's name was not considered though her junior having the same qualification was selected by the 4th respondent. At the time of filing the petition. However, it is submitted that at the time of filing the petition, the petitioner is aged about 38 years and, therefore, without going into the merits of the issue, it would suffice if this Court directs the respondents to appoint the petitioner in a post befitting her qualifications, by considering her appeal dated 21.3.2013, within a reasonable time as fixed by this court.

4. This Court heard the learned Special Government Pleader appearing for the respondents, who submitted that a detailed counter has been filed on behalf of the respondents, contending that the information sought by the petitioner has been duly furnished. The petitioner has not registered her diploma in Cooperation certificate when the list was sent to the employer and the petitioner passed her diploma in Cooperation only in the year 1997 and as such she was not within the purview of nomination. More over the petitioner has not given specific details of her juniors who have been nominated/appointed. However, he has no serious objections for directing the respondents to pass orders on the appeal submitted by the petitioner.

5. In such view of the matter, without expressing any opinion and going into the merits of the issue, though this Court cannot grant the relief of directing the respondents to consider the case of the petitioner for appointment, however, this Court, in the interest of justice, directs the 1st respondent to consider the representation/appeal made by the petitioner in accordance with law and pass orders thereon within



a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jrs

To

1. The Commissioner,
Employment & Training Directorate,
(Training Wing), Commissionerate,
Guindy, Chennai 600 032.
2. The joint Director,
Employment & Training Directorate,
(Training Wing), Commissionerate,
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3. The District Employment Officer,
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4. The General Secretary,
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Cuddalore.

+1cc to the Government Pleader, S.R.No.31947

W.P. NO.22140 OF 2013

VSN II(CO)
NRA(08/12/2020)