

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.10.2020
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.30347 OF 2013

K.Gnanasekaran

... Petitioner

Vs.

1.The District Employment Officer,
Employment Exchange Office,
Mapalapattu Road,
Villupuram District.

2.The District Educational Officer,
Villupuram,
Villupuram District.

3.The District Collector,
Villupuram,
Villupuram District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay sum of Rs.500,000/- (Five Lakhs) as a compensation to the petitioner as the negligent act of the 1st and 2nd respondent's in Ka.No.A2/12501/2013 dated 30.10.2013 and in Ka.No.A2/11910/2013 dated 21.10.2013.

For Petitioner : Mr.K.Sudhakar

For Respondents : Mr.S.Thangavel for R1 and R3
Special Government Pleader
Mr.S.Suresh Kumar for R2
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to pay a sum of Rs.5,00,000/- as compensation to the petitioner as the negligent act of the respondent 1 and 2 in Ka.No.A2/12501/2013 dated 30.10.2013 and in Ka.No.A2/11910/2013 dated 21.10.2013.

2.The case of the petitioner is that the petitioner had completed X Standard and had registered his educational qualification with the first respondent on 05.05.1998 and

renewed his employment registration periodically without any default. The petitioner was sponsored by the first respondent to attend the interview held by the second respondent for the post of Scavenger and the petitioner also attended the same. However, no appointment order was issued. Thereafter, when the petitioner approached the first respondent for renewal of the registration, the petitioner was informed that his name was entered as 'placed' as he was appointed as Scavenger as per the earlier recommendation. When the petitioner approached the second respondent, he was not properly answered.

3.It is the further case of the petitioner that the petitioner made representations on various dates and since there was no response, the petitioner issued legal notice dated 05.10.2013 to the respondents 1 and 2. Thereafter, the petitioner was served with the communication dated 10.10.2013 stating that he was not selected for any post and the petitioner was informed that his name will be kept in the very same seniority. Aggrieved by the same, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner would submit that a perusal of the impugned order dated 21.10.2013 would show that since the second respondent has informed the first respondent that the petitioner has been selected for the post of Scavenger, the petitioner's registration was cancelled. It would further disclose that thereafter the second respondent has informed the first respondent that the petitioner was not selected for the post of Scavenger and hence, the first respondent has called the petitioner to come with all the Certificates for renewal of his registration in the old seniority.

5.The learned counsel appearing for the petitioner would further submit that due to the wrong information given by the second respondent, the first respondent has cancelled the petitioner's registration and due to the above action, the petitioner has lost some opportunities of getting employment. Hence, the petitioner is entitled to get a fair compensation. Accordingly, he prayed for allowing the writ petition.

6.The learned Special Government Pleader, pointing out to the counter affidavit filed by the first respondent, would submit that as per the second respondent's letter dated 15.05.2013, the petitioner's name was entered as 'placed' in the office of the first respondent. Thereafter, since the second

respondent vide letter dated 10.10.2013 indicated that the petitioner was not selected in the interview conducted by the second respondent and that he was not given any appointment, the first respondent vide letter dated 21.10.2013 called the petitioner to come to the office of the first respondent to keep his name in the live register and for restoring the original seniority.

7.The learned Special Government Pleader would further submit that since the petitioner had not come directly to the office of the first respondent till 19.11.2013, based on the letter of the second respondent, the name of the petitioner was re-registered, restoring the old and original seniority in the office of the first respondent. He would further submit that inbetween, no person was sponsored by the office of the first respondent for any employment. Hence, there is no prejudice caused to the petitioner and there is no justification in the petitioner filing this writ petition.

8.Heard the arguments advanced on either side and perused the materials available on record.

9.Admittedly, the petitioner's name was sponsored by the first respondent for the post of Scavenger and there was mis-communication in which the petitioner's earlier registration was cancelled by the first respondent. However, subsequently, the first respondent came to know that the petitioner was not selected to the post of Scavenger. Thereafter, the first respondent sent letter to the petitioner to come to the office of the first respondent to keep his name in the live register and for restoring the original seniority. However, the petitioner did not turn up. Even thereafter, based on the letter of the second respondent, the name of the petitioner was re-registered, restoring the old and original seniority in the office of the first respondent. Hence, in the considered opinion of this Court there should be no grievance for the petitioner.

10.The writ petition is accordingly dismissed. However, liberty is granted to the petitioner to secure employment in the manner known to law. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The District Employment Officer,
Employment Exchange Office,
Mapalapattu Road,
Villupuram District.

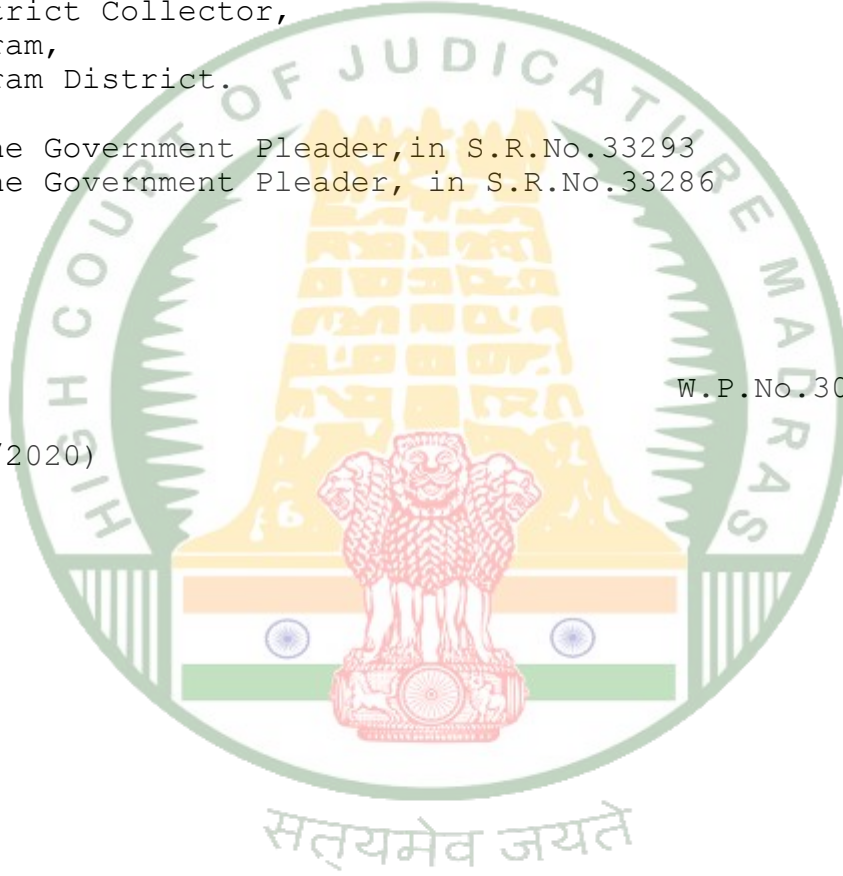
2.The District Educational Officer,
Villupuram,
Villupuram District.

3.The District Collector,
Villupuram,
Villupuram District.

+1cc to the Government Pleader,in S.R.No.33293
+1cc to the Government Pleader, in S.R.No.33286

SRA (CO)
NRA (14/12/2020)

W.P.No.30347 of 2013



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