



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.9881 of 2020

P.Thangapandi

... Petitioner

-Vs-

1.State of Tamil Nadu,
Rep., by the Principal Secretary to Government,
Labour and Employment Department,
Secretariat, Fort St George,
Chennai 600 009.

2.The District Collector,
O/o., District Collectorate,
Collectorate Building,
Madurai District, Madurai.

3.The District Employment Officer,
O/o., District Employment,
Madurai District, Madurai.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to consider the petitioner for employment in any Group C or D or any other basic service available with respondents within the time frame stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman
for Mr.T.Lajapathi Roy

For Respondents : Mr.S.Dhayalan
Government Advocate

ORDER

Prayer sought for herein is for a Writ of Mandamus to direct the second respondent to consider the petitioner for employment in any Group C or D or any other basic service available with respondents within a time frame to be stipulated by this Court.

2.Heard Mr.T.Aswinrajasimman, learned counsel appearing for the petitioner and Mr.S.Dhayalan, learned Government Advocate appearing for the respondents.



3.By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4.The case of the petitioner is that, he belongs to Scheduled Caste community. While he was studying 8th standard, he was taken to Chhattisgarh State, wherein he was placed at Pattabura District as bonded labour and under the provisions of Bonded Labour System (Abolition) Act, 1976, Government of Tamil Nadu and with the help of Non-Government Organization (NGO) called Soco Trust, the petitioner seems to have been retrieved from the bonded labour from the State of Chhattisgarh and accordingly, with the help of said NGO, he studied B.com., and he has completed B.Com., now. After having qualified with the degree, he has made a request by way of representation to the third respondent on 09.01.2020 to sponsor his name for suitable employment to the first and second respondents under the priority quota, for those who have been retrieved from bonded labour.

5.In this circumstances, the learned counsel appearing for the petitioner submits that, if the said request of the petitioner, dated 09.01.2020 is directed to be considered by the respondents on merits and in accordance with law and decide the same with regard to the plea of the petitioner to get a job under priority quota, the petitioner would be satisfied.

6.The learned Government Advocate appearing for the respondents would submit that, as claimed by the petitioner whether he is eligible and entitled to get any priority for getting appointment as a person retrieved from bonded labour would be considered and if so, suitable decision would be taken by the respondents within a time frame that may be stipulated by this Court.

7.Having regard to the said submissions made by the learned counsel for both sides and considering the aforesaid factual matrix, this Court is inclined to dispose of this writ petition with the following directions:

'that the respondents, especially, the third respondent is hereby directed to consider the representation of the petitioner, dated 09.01.2020 and pass orders thereon, on merits and in accordance with law as to the entitlement and eligibility of the petitioner to seek a suitable job to his educational and qualification, under the priority quota, for those who have been retrieved from bonded labour and such order shall be passed within a period of eight (8) week from the date of receipt of a copy of this order. '



8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD I)

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// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Labour and Employment Department,
Secretariat, Fort St George,
Chennai 600 009.

2. The District Collector,
O/o., District Collectorate,
Collectorate Building,
Madurai District, Madurai.

3. The District Employment Officer,
O/o., District Employment,
Madurai District, Madurai.

+1 CC to Mr. T. LAJAPATHI ROY, Advocate (SR-14924[F] dated 25/08/2020)

W.P. (MD) No. 9881 of 2020

24.08.2020

AVS (CO)

KM (25.09.2020) 3P 5C