



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.11339 of 2020

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C.M.Durai

... Petitioner

-Vs-

1.The District Collector,
Office of the District Collector,
Tenkasi, Tenkasi (District).

2.The Block Development Officer,
Kuruvikulam Panchayat Union,
Thiruvenkadam (Taluk),
Tenkasi (District).

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the second respondent to appoint the petitioner as a 'Kalappaniyazhar' under scheme of Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGA) in the village of North Alagunatchiyapuram, Alagunatchiyapuram (Post), Kuruvikulam (Via) Thiruvenkadam (Taluk) Tenkasi (District) based on the petitioner's representation dated 23.07.2020.

For Petitioner : Mr.S.Paulmuruges

For Respondents : Mr.K.Mu.Muthu,

Additional Government Pleader.

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the second respondent to appoint the petitioner as a 'Kalappaniyazhar' under the scheme of Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGA) in the village of North Alagunatchiyapuram, Alagunatchiyapuram (Post), Kuruvikulam (Via) Thiruvenkadam (Taluk) Tenkasi (District) based on the petitioner's representation dated 23.07.2020.

2.Heard Mr.S.Paulmuruges, learned counsel appearing for the petitioner and Mr.K.Mu.Muthu, learned Additional Government Pleader, who takes notice for the respondents.

3.With the consent of the learned counsel on both sides, this Writ Petition is taken up for final hearing and disposed of at the admission stage itself.

4.The petitioner has been working as a registered Advocate Clerk at Sankarankovil Court complex attached with Advocates for the



past 14 years.

5.As usual, the Covid-19 situation struck the livelihood of this man also. As he lost the job since there were no busy practice before the Court of law during this pandemic period, the petitioner seems to have been struggling to meet his needs. Therefore, in this regard, he wanted to join in the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGA), (hereinafter referred to as 'MGNREGA'), which is popularly known as 100 days work being undertaken in rural India. In this regard, a post called 'Kalappaniyazhar' (Field Worker) for the said MGNREGA scheme is available in most of the villages, where any person can be appointed on need basis. Therefore, in this regard, on advice, the petitioner had given an application to the second respondent. However, the said application has so far not been considered. Hence, on the ground of livelihood, the petitioner seeks indulgence of this Court to issue a Writ of Mandamus that is why the present Writ Petition has come before this Court.

6.Heard Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for the respondents, who, on instructions, would submit that, it is 100 days work per year, it is not a full time job for the whole year. However, as of now, there is no vacancy in any of the block in the first respondent district and specifically in the second respondent block to accommodate the petitioner as Kalappaniyazhar i.e., Field Worker. Therefore, as of now, the request of the petitioner as has been made through representations or applications dated 23.07.2020 and 03.08.2020, cannot be considered.

7.I have considered the submissions made by the learned counsel on either side and perused the materials placed before this Court.

8.Having considered the same, this Court is inclined to dispose of this Writ Petition.

9.The petitioner, as a matter of right, cannot seek any employment by merely giving any application to the respondents. If at all any engagement or appointment to be made in the public department i.e., Governmental Organization or Government Department that is to be done only as per the rule framed therein.

10.However, insofar as the post of Kalappaniyazhar is concerned, it is neither permanent nor perennial one and also it is not a full time work for the whole year, as has been pointed out by the learned Additional Government Pleader instead, it is 100 days work per year and even for the said 100 days work in rural areas, already people have been engaged and therefore, according to the instructions obtained by the learned Additional Government Pleader,



as of now, there is no vacancy for considering the petitioner. Therefore, the submission of the learned Additional Government Pleader appearing for the respondents that at present, the representation of the petitioner cannot be considered, can only be accepted.

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11.However, considering the plight of the petitioner, it is open to the respondents to consider the representation of the petitioner dated 23.07.2020 and 03.08.2020, if really any vacancy arises in the near future in any of the block or village in the first respondent district within the parameters of the rules and regulations governing these kind of engagements. However, it is made it clear that the copy of the representations, which were already given, can also be annexed with this order copy to the respondents.

12.With these observations, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Myr

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 District Collector,
Office of the District Collector,
Tenkasi, Tenkasi (District).

2.The Block Development Officer,
Kuruvikulam Panchayat Union,
Thiruvankadam (Taluk), Tenkasi (District).

+1 CC to M/s.GP (SR-16621[F] dated 11/09/2020)

Order made in

W.P. (MD) No.11339 of 2020

10.09.2020

SE (CO)

AP (28/10/2020) 3P 4C

<https://hcservices.ecourts.gov.in/hcservices/>