

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2001 of 2021

V.Rajamansing

... Petitioner

vs.

1. The Director,
State Anti-Corruption and Vigilance Cell (DVAC),
No.293, M.K.N. Road, Collector Nagar,
Chennai 600 016.
 2. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
 3. The Superintendent of Police (S.P.),
Tiruvannamalai District,
Tiruvannamalai.
 4. The Deputy Superintendent of Police (D.S.P.),
Anti-Corruption and Vigilance Cell (DVAC),
No.1164, Main Road, Vengikkal,
Tiruvannamalai District,
Tiruvannamalai.
 5. The District Welfare Officer,
Scheduled Caste and Tribe Welfare Office,
Tiruvannamalai,
Tiruvannamalai District.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the Respondents 1 to 5 to consider the Petitioner's representation dated 27.01.2021 within the stipulated period and consequently direct the 5th Respondent to withhold the interview dated 02.02.2021 at 10.00 a.m. and issue fresh call for the post of 42 cooking service for SC/ST candidates at Tiruvannamalai District Student Hostels.

For Petitioner : Mr.T.V.G.Kartheeban
For Respondents : Mr.J.Pothiraj,
Special Government Pleader

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to Respondents 1 to 5 to consider his representation dated 27.01.2021 within the stipulated period and for a consequential direction to the 5th Respondent to withhold the interview on 02.02.2021 at 10.00 a.m. and issue fresh call letters for the post of 42 cooking service for SC/ST candidates at Tiruvannamalai District Student Hostels.

2. According to the Petitioner, a Newspaper Advertisement dated 22.11.2020 was issued calling for applications for 42 vacancies for the post of 'Cook' at Adi-Dravidar and Tribal Students Hostel at Tiruvannamalai District. It is stated by the Petitioner that, as regards recruitment to the said post, he received Interview Call Letter dated 19.01.2021 from the Respondents. However, illegal gratification was demanded for granting appointment. It is the case of the Petitioner that, as he is a poor person, he will not be in a position to part with money and moreso, getting employment by means of paying bribe is not only illegal, but also immoral.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. The Petitioner had earlier approached this Court in W.P.No.321 of 2021 seeking to quash the Newspaper Advertisement dated 22.11.2020 as regards calling for 42 vacancies for the post of 'Cook' at Adi-Dravidar and Tribal Students Hostel at Tiruvannamalai District. On 08.01.2021, when the matter was taken up for hearing, learned counsel for the Petitioner sought permission of this Court to withdraw the said Writ Petition with liberty. Accordingly, this Court permitted the Petitioner to withdraw the said Writ Petition with liberty to the Petitioner to challenge the direct recruitment effected with any proper Advertisement or following due process of Recruitment Rules.

5. As could be seen from page 18 of the Typed Set of Papers, the Petitioner has mailed his representation to the Respondents on 27.01.2021 at 6.28 p.m. On a perusal of the case papers, it is seen that, the Writ Petition has been filed on 27.01.2021 in the morning, as evident from the Court seal. Thus, it is clear that, only after filing of the present Writ Petition, the Petitioner has sent the said representation to the Respondents. The conduct of the Petitioner is deprecated.

6. After detailed arguments, while dictating this order, learned counsel for the Petitioner sought permission to withdraw

the present Writ Petition too. However, this Court has not acceded to such request, as it would amount to giving approval for the illegality committed, by filing the present Writ Petition before sending the representation. Even assuming for the sake of argument that, a communication has been sent earlier, there is no possibility for the Respondents to consider the Petitioner's representation on the very same day, as print out of the said E-mail has to be taken and placed before the Authorities for consideration of the representation.

7. On the aforesaid ground, the Writ Petition is liable to be dismissed. In case, the Petitioner is not selected and if he is aggrieved by any corrupt practice said to have been committed by the Officials, he can challenge the said Appointment Order by furnishing necessary materials. Without producing any documentary evidence, the Petitioner cannot address arguments in air.

In fine, the Writ Petition stands dismissed as devoid of merits. No costs. Consequently, connected W.M.P.No.2259 of 2021 is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

(aeb)

To:

1. The Director,
State Anti-Corruption and Vigilance Cell (DVAC),
No.293, M.K.N. Road, Collector Nagar, Chennai 600 016.
2. The District Collector,
Tiruvannamalai District, Tiruvannamalai.
3. The Superintendent of Police (S.P.),
Tiruvannamalai District, Tiruvannamalai.
4. The Deputy Superintendent of Police (D.S.P.),
Anti-Corruption and Vigilance Cell (DVAC),
No.1164, Main Road, Vengikkal,
Tiruvannamalai District, Tiruvannamalai.

5. The District Welfare Officer,
Scheduled Caste and Tribe Welfare Office,
Tiruvannamalai, Tiruvannamalai District.

+1cc to Mr.T.V.G.Kartheeban, Advocate SR.No.6044

W.P.No.2001 of 2021

RSI (CO)
GMY (06/07/2021)



WEB COPY