



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.11932 of 2008
and M.P.No.1 of 2008

M.Kavitha

... Petitioner

Vs.

1. The District Collector,
Krishnagiri, Krishnagiri District.
2. The District Employment Officer,
District Employment Exchange,
Krishnagiri District.
3. The Chief Educational Officer,
Krishnagiri District.
4. The District Elementary Educational Officer,
Krishnagiri District.

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the first respondent in Na.Ka.No.8235/2008/Q2, dated Nil.04.2008 and signed on 18.04.2008 and quash the same.

For Petitioner : Mr.S.Mani

For Respondent : Mr.C.Selvaraj
Government Advocate (Civil)

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O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Certiorari, to call for the records of the first respondent in Na.Ka.No.8235/2008/Q2, dated Nil.04.2008 and signed on 18.04.2008 and quash the same.



2. The petitioner completed her Diploma in Teacher Education from the District Institute of Education and Training, Krishnagiri, in the year 2004. She registered her name in Krishnagiri Employment Office, Dharmapuri District. She belongs to Most Backward Community. As such, she is entitled to be appointed as Secondary Grade Teacher. Dharmapuri District was bifurcated into two and Krishnagiri District was newly formed. Since the petitioner's residence fell within the territorial jurisdiction of Dharmapuri District, her name was retained in the Employment Exchange in Dharmapuri, though her parents owned agricultural lands as well as dwelling house in Krishnagiri. The petitioner's husband was also working in the State Transport Corporation having office at Krishnagiri. Therefore, she obtained a migration certificate and transferred her employment registration from Dharmapuri District to Krishnagiri District on 24.01.2008.

3. While the matter stood thus, the District Employment Officer, Krishnagiri, sent a communication dated 03.03.2008 to the petitioner to appear before him on 13.03.2008. Upon verification of the petitioner's certificate, he sponsored her name to the post of Secondary Grade Teacher. However, after appearing before the Committee constituted for selection of candidates for appointment to the post of Secondary Grade Teacher, she was issued with a impugned communication dated 08.04.2008, wherein, her claim for employment has been rejected and ordered that the petitioner is not entitled to get employment as she is not a resident of Krishnagiri District for more than five years. Aggrieved over the same, the petitioner is before this Court.

4. I have heard the submissions made on either side and perused the materials placed before this Court.

5. The learned counsel for the petitioner would contend that because of the bifurcation, her name was retained in Dharmapuri District, otherwise, her name would have been retained in the Krishnagiri District. The bifurcation of the Districts and retention of her name in Dharmapuri District, were not in her hands. Even otherwise, when she migrates to Krishnagiri District, the respondents should have considered her case on the basis of the property owned by her parents in Krishnagiri District and the employment of her husband in Krishnagiri District and also the initial registration in District Employment Exchange, Krishnagiri District. In such circumstances, they shall not have rejected the registration of



the petitioner on the ground that she has transferred her registration from Dharmapuri to Krishnagiri with a view to stealing a march over the aspirants in the waiting list. Even assuming, she got migrated from Dharmapuri to Krishnagiri, she can be made to wait for five years to become a permanent resident of Krishnagiri and her seniority can be restored. On the other hand, a blanket rejection that she is not entitled to any employment in Krishnagiri District, is not sustainable.

6. It is also submitted by the petitioner that in the year 2014, she was sponsored for employment and got posted there. If she is reverted from employment, she has to get back her seniority in the Employment Exchange as per her original registration.

7. The learned Government Advocate (Civil) appearing on behalf of the respondents would submit that the method of recruitment to the post of Teachers has undergone lot of changes. The method of sponsoring through Employment Exchange is also not available, that is why, she cannot claim for appointment as Teacher in Educational Department through Employment Exchange. Therefore, nothing survives for further adjudication in this matter.

8. Admittedly, the fact remains that the petitioner was a resident of erstwhile integrated in Dharmapuri District and she got registered her name in Krishnagiri Employment Exchange. Due to the bifurcation of the Districts into Dharmapuri and Krishnagiri District, her name was retained in Dharmapuri District though they owned properties and a residential house in Krishnagiri District. The petitioner has also opted to continue in Dharmapuri District in such circumstances. Since she got married to a person, who is working in Krishnagiri District, she has taken migration certificate to transfer the registration from Dharmapuri to Krishnagiri District. In such circumstances, the respondents ought to have considered the background of the petitioner and passed appropriate orders. She cannot be treated on par with the people, who got their employment registration transferred from various other districts to Krishnagiri District, for the purpose of gaining seniority and getting appointment on preferential basis. The petitioner's case stand in a separate footing. Therefore, she will be entitled to be considered for restoration of her seniority on completion of five years of continuous residence in Krishnagiri District. However, it is submitted that she was sponsored by the District Employment Exchange, Krishnagiri, in the year 2014.



9. In that event, the petitioner having completed more than five years of resident at Krishnagiri, she will be treated as resident of Krishnagiri District, the respondents shall consider the restoration of seniority in the light of the above circumstances observed in this order and pass appropriate orders. It is open to the petitioner to make a representation at appropriate time for redressal of her grievance. As of now, no further order is required and the Writ Petition stands closed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Krishnagiri, Krishnagiri District.
2. The District Employment Officer,
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Krishnagiri District.
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Krishnagiri District.

+1 cc to Government Pleader in sr No.31729

W.P.No.11932 of 2008
and M.P.No.1 of 2008

vbm(co)
aa09/06/2022