



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.11933 of 2008
and M.P.No.1 of 2008

M.Thirukumaran

... 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 is a native of Kollupatti Village in the erstwhile Dharmapuri District. He passed Diploma in Teacher Education and registered his name in Employment Exchange, Krishnagiri, as he is residing with his maternal parents at Krishnagiri. However, Dharmapuri District was bifurcated into two and Krishnagiri District was newly formed and his name was retained in the Dharmapuri Employment Exchange as his residence fell within the territorial jurisdiction of Dharmapuri District. Since he is residing in Krishnagiri District, he surrendered his Ration Card and obtained a new Ration Card at Krishnagiri and the Tahsildar, Krishnagiri, also issued a Migration Certificate on 07.01.2008. The employment registration was transferred from Dharmapuri District to Krishnagiri District on 30.01.2008. On 03.03.2008, the District Employment Officer, Krishnagiri, called the petitioner for certificate verification and after verification of those certificates on 13.03.2008, sponsored the petitioner's name for appointment as Secondary Grade Teacher.

3. Pursuant to the sponsoring, the first respondent called the petitioner for interview on 31.03.2008. However, on 18.04.2008, the employment registration was cancelled by the first respondent on the ground that the petitioner has migrated for the purpose of getting an employment and not a resident of Krishnagiri District for five years. Aggrieved over the cancellation of registration, the petitioner is before this Court.

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

5. The family background of the petitioner shows that he is a resident of Krishnagiri District. He registered his name with the Employment Exchange before bifurcation of Dharmapuri District. The second respondent could have given an opportunity to choose either Dharmapuri District or Krishnagiri District for continuing his registration.

6. Be that as it may, the petitioner has produced a proof of Ration Card and he has shown him as a resident of Krishnagiri District. All that requires is that five years continuous resident for considering a candidate for appointment to the post of Secondary Grade Teacher. For that purpose, the registration need not be cancelled. Now that the petitioner has completed more than 13 years of resident of Krishnagiri District. If at all, there is any chance, there would not be any impediment for considering his name with due seniority from the date of his original registration. Therefore, the impugned order cancelling



his employment registration stands set aside.

7. Therefore, the Writ Petition is disposed of with a direction to the first respondent to restore the seniority of the petitioner from the date of his original registration in the Employment Exchange and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is 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,
District Employment Exchange,
Krishnagiri District.
3. The Chief Educational Officer,
Krishnagiri District.
4. The District Elementary Educational Officer,
Krishnagiri District.

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