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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.15152 of 2009
and M.P. Nos.1 & 2 of 2009

M.Durairaj

...Petitioner

Vs

1.The District Employment Officer,
Dharmapuri District.

2.The District Revenue Officer,
Dharmapuri District.

3.The Thasildhar,
Palakodu Taluk, Dharmapuri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records of the proceedings of the first respondent vide A 14007/08 dated 26.12.2008, rejecting the petitioner's appeal/representation dated to revise the Petitioner's seniority under Registration No.3104/87 instead of Registration No.8658/98 and quash the same and consequently direct the 1st respondent herein to revise the petitioner seniority under Registration No.6717/82 instead of Registration No.8658/98, and to extend to the petitioner all benefits as given to his immediate junior.
(Prayer amended vide order dated 27.9.2011 in M.P.No.1 of 2011 in W.P.No.15152/09)

For Petitioner : Mr.K.Selvarangam

For Respondents : Mr.S. John J. Raja Singh,
Government Advocate

O R D E R

Heard Mr.K.Selvarangan, learned counsel for the petitioner and Mr.S.John J.Raja Singh, learned Government Advocate for the respondents.



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2. I had on 06.10.2021, in the absence of the petitioner and taking note of the averments of Mr.Singh, passed the following order.

The petitioner is called absent.

2. The challenge in this Writ Petition is to an order passed by the District Employment Officer, Dharmapuri District/R1 which does not take into account the petitioner for the post of Village Assistant. The explanation set forth by R1 is that the application of the petitioner before the Employment Exchange had lapsed and had not been renewed and that is why he had not been taken into account in the zone of consideration for the aforesaid post.

3. Be that as it may, the petitioner has now been accommodated in the post of Village Assistant, as conveyed by the Tahsildar, Palacode Taluk, Dharmapuri District/R3 under written instruction dated 29.01.2020.

4. With this, the Writ Petition can well be closed. However, in order to afford a final opportunity to the petitioner/his counsel, list on 08.10.2021 under the caption 'for dismissal'.

3. Today, learned counsel for the petitioner appears and states that the petitioner had filed W.P.No.34887 of 2013 where the petitioner sought mandamus to consider his representation for appointment in the post of Village Assistant. That Writ petition came to be allowed on 06.09.2017, pursuant to which, the petitioner is now holding the post of Village Assistant.

4. However, the respondents are said to have filed a Writ Appeal challenging the aforesaid order, albeit with a substantial delay. Learned counsel for the petitioner expresses that if the order of the learned single Judge in W.P.No.34887 of 2013 is reversed, then the petitioner would be left without any recourse.

5. Since there is no grievance for the petitioner as on date and the challenge to the impugned order in this Writ Petition does not survive in view of order dated 06.09.2017, this Writ Petition is closed. However, taking note of the apprehension expressed by the learned counsel for the



petitioner, liberty is granted to the petitioner to revive this Writ Petition, if the decision in the Writ Appeal challenging order dated 06.09.2017 is adverse to him. No costs.

Sd/-

Assistant Registrar(CS-VI)

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//True Copy//

Sub Assistant Registrar

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To

1.The District Employment Officer,
Dharmapuri District.

2.The District Revenue Officer,
Dharmapuri District.

3.The Thasildhar,
Palakodu Taluk, Dharmapuri District.

+1cc to M/s.K.Selvarangan, Advocate, S.R.No.52984

+1cc to the Government Pleader, S.R.No.53514

W.P. No.15152 of 2009
and M.P. Nos.1 & 2 of 2009

CP(CO)
CB(01/11/2021)