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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2021

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THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 28106 of 2008
and
W.M.P. Nos. 1 and 2 of 2008

1. R.Sheela
2. S.Manimegalai
3. S.Sangeetha
4. R.Reka
5. R.Suseela
6. S.Anureka
7. P.Rojarani

... Petitioners

-vs-

1. The Government of Tamil Nadu,
Represented by its Commissioner,
Employment and Training,
Guindy, Chennai.
2. The District Employment Officer,
Vellore, Arcot Road,
Kagithapattarai, Vellore - 9.
3. The District Employment Officer,
Ariyalur - 621 713.
4. The Chairman,
Tamil Nadu Electricity Board,
Mount Road, Chennai - 2.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the first to third respondents to sponsor I.T.I qualified eligible female candidates registered in employment exchange to the fourth respondent for the selection of Helper Post and other opportunities in Tamil Nadu Electricity Department.



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For Petitioner : Ms.R.T.Sundari

For Respondents : Mr.K.Magesh
Special Government Pleader

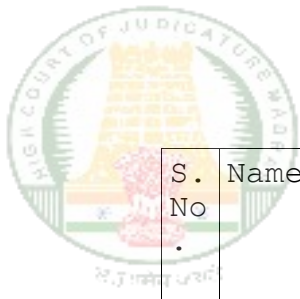
O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the first to third respondents to sponsor I.T.I qualified eligible female candidates registered in employment exchange to the fourth respondent for the selection of Helper Post and other opportunities in Tamil Nadu Electricity Department.

2. The grievance of the petitioners is in very narrow compass, where, the petitioners claimed that, they have qualified with Industrial Training Certificate, with that qualification, they registered in the employment exchange. Considering the employment exchange seniority of the petitioners, the respondents department should have considered them for selection and appointment in helper post. The further grievance of the petitioners is that, whenever vacancies arises in various departments, where, the women candidates with ITI qualifications are not considered for selection and appointment as the names of the women candidates have not been sponsored, hence, the petitioners, who are women folk, approached this Court, with the aforesaid prayer seeking mandamus to sponsor their names based on their educational qualifications. Whenever such kind of vacancies arises and applications are invited for the post to be filled up by various authorities, where the qualification of the petitioners are considered to be necessary or essential qualification for considering for the said post, such kind of sponsorship can be made by the respondents.

3. In this context, Mr.K.Magesh, learned Special Government Pleader has relied upon the following averments made in the counter affidavit:

"3. It is submitted that the petitioners were registered their educational qualification in various District Employment Exchanges and as per the records maintained their registration particulars are given below:



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S. No.	Name	Registration No.	Community and Category	Date of Birth	Qualification and Seniority
1	R.Sheela	VLD2001F5794	MBC	13.02.1986	SSLCX01.10SF 13.07.2001 851.10.Elec.SF 11.05.2004 600.30Agri.SF 07.07.2006 851.11App.SF 02.02.2007
2	S.Manimegalai	VLD1997F5922	MBC	25.05.1982	SSLCX01.10SF 04.07.1997
3	S.Sangeetha	VLD2004F132	BC	02.06.1986	SSLCX01.10SF 27.01.2004 851.10.SF 27.01.2004 S51.11.SF 18.10.2007
4	R.Rekha	VLD2002F1218	SC	22.06.1983	HSCX01.15SF 28.06.2002 851.10.SF 06.01.2005 851.11SF 16.07.2007
5	R.Susila	VLD2001F5304	BC	02.06.1983	HSCX01.15SF 10.07.2001 851.10.SF. 21.05.2004 851.11SF 24.12.2007
6	S.Anureka	TVD2000F3264	BC	20.05.1985	SSLC.SF 06.07.2000 HSCSF. 19.06.2002 ITISF 31.12.2004 851.10SF 31.12.2004 TypistSF31.12. 2004
7	P.Rojarani	1998F17974	MBC	02.02.1977	851.10.Elec.SF 07.12.1998



4. It is submitted that the fourth respondent has notified vacancies for the post of Helper with the following qualification and age limit:-

Qualification: Academic and technical qualification as NTC/NAC(ITI) Certificate awarded by the National Council for Vocational Training in the field of Wireman / Electrician Trade Only.

Age: SC / ST / 40 years MBC / BC 37 / OC 35 years.

5. It is submitted that the petitioners statement were not true. The fourth respondent i.e., Electricity Board has separately notified vacancies for women category in all communities and also in General category women petitioners were sponsored.

6. It is submitted that all these petitioners were nominated as follows:

R.Reka	SC Women-Non-priority in Sl.No.2486
S.Sangeetha	BC Women-Non-priority in Sl.No.1370
R.Susila	BC Women-Non-priority in Sl.No.1342
R.Sheela	MBC Women-Non-priority in Sl.No.1278
S.Manimegalai	MBC Women-Non-priority in Sl.No.2478
S.Anureka	BC Women-Non-priority in Sl.No.1868
P.Rojarani	MBC Women-Non-priority in Sl.No.965

It is also submitted that the petitioners in Serial number 4, 5, 6 & 7 were selected by the employer. However, it is submitted that the first respondent role ends with nomination of candidates. The selection and appointment is the prerogative of the employer."

4. By relying upon the averments made in the counter affidavit, Mr.K.Magesh, learned Special Government Pleader would submit that, the plea raised by the petitioners is purely misconceived because, not only the petitioners, but whoever with the qualification registered in the employment exchange, whether they are women folk or not, based on the priority or non-priority basis, as per the requirements of the employer concerned, the names of the women candidates also with their respective qualification and seniority in the seniority list were accepted and their names are sponsored. In this case, all these petitioners' name have been sponsored, as has been stated above in paragraph 6 of the counter affidavit.

5. In fact among the seven petitioners, whose name have been sponsored, atleast four petitioners already been selected by the employer.

6. When that being so, the grievance of the petitioners,



according to the learned Special Government Pleader, has already been met and at no point of time, the respondents department i.e., employment exchange has failed to sponsor the eligible women candidates to the employer depending upon the employment.

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7. I have considered the said submissions made by both sides and taking into account of the clear averments made in the counter affidavit, which is extracted herein above and also recording the submission of the learned Special Government Pleader appearing for the respondents, this Court feels that, the prayer sought for by the petitioners already been met by the respondents and therefore, no further directions by way of mandamus need to be issued to the respondents.

8. In view of the same, the Writ Petition is disposed of, by recording the aforesaid, however, there shall be a direction to the respondents that, whenever the women candidates who registered with the educational and technical qualifications with the concerned employment exchange become eligible and those candidates are to be sponsored for any category of job called for by any authorities, the respondents department shall continue to sponsor the name of the women candidates also without showing any discrimination.

9. With these directions, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

vji

To

1. The Commissioner,
Government of Tamil Nadu,
Employment and Training,
Guindy, Chennai.
2. The District Employment Officer,
Vellore, Arcot Road,
Kagithapattarai, Vellore - 9.



3. The District Employment Officer,
Ariyalur - 621 713.

4. The Chairman,
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Mount Road, Chennai - 2.

+lcc to the Government Pleader, High Court, Madras, S.R.No.4942

W.P. No. 28106 of 2008
and
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AK-II (CO)
SU(12/08/2021)