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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.8420 of 2015

And

M.P.No.1 of 2015

And

W.M.P.Nos.7283 of 2018, 6136 of 2016 and 22755 of 2018

K.Gopinath

... Petitioner

Vs.

- 1.The Secretary to Government
of Tamilnadu Animal Husbandry
Dairying & Fisheries Department,
Secretariat,
Chennai - 600 009.
- 2.The Dairy Development Department,
Represented by the Commissioner for Milk
Production and Dairy Development,
Madhavaram Milk Colony,
Chennai - 600 051.
- 3.The Tamilnadu Co-operative Milk Producers'
Federation Limited,
Represented by the Managing Director,
Madhavaram Milk Colony,
Chennai - 600 051.
- 4.The Interview / Selection Committee,
Tamilnadu Co-operative Milk Producers'
Federation Limited,
"Aavin Illam", Madhavaram Milk Colony,
Chennai - 600 051.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to appoint the petitioner in any one of the vacant posts of Manager, with necessary pay protection in respect of the interview held by the third respondent for direct recruitment to the posts of Manager (Engineering) on 06.11.2014, Manager



Marketing, on 07.11.2014 and Manager (Administration) on 10.11.2014, duly providing reservation as a disabled person in accordance with G.O.Ms.No.87, Social Welfare and Noon Meal Scheme Department dated 17.07.2008 and awarding marks for Diploma Qualification as equivalent to +2 in accordance with G.O.Ms.No.242, Higher Education (P1) Department, dated 18.12.2012.

For Petitioner : Mr.L.M.Maurya

For Respondents : Mr.Balaramesh
Special Government Pleader

O R D E R

Heard both sides and perused the materials placed before this Court.

2.The petitioner has filed this writ petition seeking direction to

the third respondent to appoint him in any one of the vacant posts of Manager, with necessary pay protection in respect of the interview held by the third respondent for direct recruitment to the posts of Manager (Engineering) on 06.11.2014, Manager (Marketing) on 07.11.2014 and Manager (Administration) on 10.11.2014, duly providing reservation as a disabled person.

3.The case of the petitioner is that he is a physically challenged person with Locomotor Disability working as Selection Grade Supervisor (Maintenance). He participated in the interview for direct recruitment held for the posts of Manager (Engineering) on 06.11.2014, Manager (Marketing) on 07.11.2014 and Manager (Administration) on 10.11.2014, however, he was not considered for any of the posts. The grievance of the petitioner is that if reservation as a disabled person in accordance with G.O.Ms.No.87, Social Welfare and Noon Meal Scheme Department dated 17.07.2008 was given to him and if marks for Diploma Qualification as equivalent to +2 in accordance with G.O.Ms.No.242, Higher Education (P1) Department, dated 18.12.2012 was awarded to him, he would have been selected to any one of the posts. In this regard, he made representation dated 05.01.2015 to the third respondent with copy to the first respondent and since there was no response, has filed this writ petition.

4.The learned counsel appearing for the petitioner submitted that though this writ petition has been filed for a larger relief, the petitioner would be satisfied, if this Court issues direction to the respondents to pass appropriate orders on the



petitioner's representation dated 05.01.2015.

5.The learned Special Government Pleader appearing for the respondents submitted that though nothing survives in this writ petition for adjudication, the representation made by the petitioner would be disposed of on merits.

6.In view of the above, this Court directs the respondents to consider the petitioner's representation dated 05.01.2015 and pass appropriate orders, on merits and in accordance with law, after providing an opportunity of hearing to the petitioner and other interested parties, if any, within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government
of Tamilnadu Animal Husbandry
Dairying & Fisheries Department,
Secretariat,
Chennai - 600 009.
- 2.The Commissioner for Milk
Production and Dairy Development,
The Dairy Development Department,
Madhavaram Milk Colony,
Chennai - 600 051.
- 3.The Managing Director,
The Tamilnadu Co-operative Milk Producers'
Federation Limited,
Madhavaram Milk Colony,
Chennai - 600 051.



4.The Interview / Selection Committee,
Tamilnadu Co-operative Milk Producers'
Federation Limited,
"Aavin Illam", Madhavaram Milk Colony,
Chennai - 600 051.

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+1cc to M/s.LP.Maurya, Advocate (SR No.14930)

+1cc to M/s.R.Balaramesh, Advocate (SR No.14537)

W.P.No.8420 of 2015

And

M.P.No.1 of 2015

And

W.M.P.Nos.7283 of 2018,
6136 of 2016 and 22755 of 2018

PL (CO)

PR (10/08/2021)