

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.03.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.30783 of 2014
and
M.P.Nos.1 & 2 of 2014

Inter Caste Couple's Association of India,
Rep by its President,
K.Alagesan

... Petitioner

Vs

1.The Principal Secretary to the Government,
Personnel and Administrative Reforms,
Government of Tamilnadu,
Secretariat, Chennai - 600 009.

2.The Secretary to Government,
Labour and Employment,
Fort St.George, Chennai - 600 009.

3.The Principal Secretary to Government,
Animal Husbandry Dairy and Fishery,
Fort St.George, Chennai - 600 009.

4.The Director,
Director of Employment and Training,
Guindy, Chennai - 32.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider all the priority candidates as per G.O.Ms. No.188 dated 28.12.1976 issued by the 1st respondent while making recruitment to the post of Livestock Inspectors Grade II in the Department of Animal Husbandry under the control of the 3rd and 4th respondents award costs.

For Petitioner : Mr.M.Gnanasekar
For Respondents : Mr.J.Ramesh, AGP

ORDER

The relief sought for in this writ petition is to direct the respondents to consider all the priority candidates as per G.O.Ms. No.188 dated 28.12.1976 issued by the first respondent, while making recruitment to the post of Livestock Inspectors Grade II in the Department of Animal Husbandry under the control of the respondents 3 and 4.

2. According to the petitioner, the Government issued G.O.Ms.No.188 dated 28.12.1976 regarding priority to be given in the matters of recruitment through employment exchange, as per which, the 'Inter Caste Married Couples' falls under the Group II priority category. It is the grievance of the petitioner that Inter Caste Married Couples were not sponsored by the Employment Exchange for recruitment to the post of Livestock Inspectors Grade-II in the Department of Animal Husbandry and only destitute widows in the Group II and differently abled Group III in the priority categories alone were sponsored. Therefore, the petitioner Association gave a representation to the respondents on 11.11.2014. Since no action was taken on the same, they have come up with this writ petition for the aforesaid relief.

3. Upon notice, the 3rd respondent filed a detailed counter affidavit, inter alia stating that the concerned District Employment Exchange office is maintaining the seniority list of inter caste married couples and the names of the candidates were sponsored as per the communal rotation rules prescribed by the Government; and therefore, this respondent cannot interfere with the administration of the District Employment Exchange Office.

4. The 4th respondent in his counter affidavit, specifically stated that as per the order of priority as fixed in G.O.Ms.No.188 dated 28.12.1976, the differently abled persons have been placed from Group II(i) to Group I (vii) and the destitute widow comes under Group II (i), whereas Inter Caste married couples comes under the Group II(ii) and hence, the registrants sponsored by this respondent are as per rules in force.

5. The averments so made in the counter affidavits filed by the respondents 3 and 4 have been stoutly refuted by the learned counsel for the petitioner. According to him, the Inter Caste Married Couples, in which one of the spouses belongs to Scheduled Castes and Scheduled Tribes, are assigned in the Group II priority categories, in G.O.Ms.No.188 dated 28.12.1976 and they are deprived of the employment opportunities, by the act of the fourth respondent, which is wholly illegal and unlawful.

6. At this juncture, the learned Additional Government Pleader appearing for the respondents fairly submitted that the respondents would consider the case of the petitioner, giving priority to Inter Caste Married Couples, while sponsoring the names for recruitment by the District Employment Exchange office, according to the availability of the vacancies and also in the light of G.O.Ms.No.188 dated 28.12.1976, by considering the representation of the petitioner, and pass orders, on merits, within a time frame to be stipulated by this Court.

7.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the representation of the petitioner dated 11.11.2014 and pass appropriate orders, on merits and in accordance with law and also in the light of G.O.Ms.No.188 dated 28.12.1976, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8.Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to the Government,
Personnel and Administrative Reforms,
Government of Tamilnadu,
Secretariat, Chennai - 600 009.
- 2.The Secretary to Government,
Labour and Employment,
Fort St.George, Chennai - 600 009.
- 3.The Principal Secretary to Government,
Animal Husbandry Dairy and Fishery,
Fort St.George, Chennai - 600 009.
- 4.The Director,
Director of Employment and Training,
Guindy, Chennai - 32.

+1 cc to Government Pleader Sr.No. 17987

gsm(CO)
A.SK(07.07.2021)

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