

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.17857 OF 2014

Tamilselvan

... Petitioner

Vs

1. The District Collector,
Villupuram District,
Villupuram.
2. The District Employment Officer,
Villupuram District,
Villupuram.
3. The Deputy Director,
Office of Deputy Director of Health Services,
Villupuram.
4. The Block Development Officer,
Chinnaalem Panchayat Union,
Chinnasalem Taluk,
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 07.01.2014, submitted with request to direct the second respondent to sponsor his name for interview by giving priority and subsequently direct the third respondent to appoint the petitioner in any suitable post in particular to post of Pharmacist, in the event of arising of any vacancy in future or in subsequent vacant by giving priority based on his qualifications and also on the facts that the petitioner executed a Gift Deed dated 08.07.2005 and conveyed his house site property to the fourth respondent for the Welfare and Development of the Panchayat Union Elementary School, Nagakuppam Village, Chinnasalem Taluk, Villupuram District.

For Petitioner : Mr.A.Ramalingam

For Respondents : Mr.J.Ramesh, AGP

ORDER

According to the petitioner, after completion of a Diploma in Pharmacy (D.Pharm), he enrolled his name in the office of Tamil Nadu Pharmacy Council, Chennai. He also registered his name in the second respondent Employment Office vide Registration No.15239 of 1999 dated 25.10.1999 and he is renewing the same periodically. While so, for the welfare and development of the Panchayat Union Elementary School, Nagakuppam Village, Chinnasalem Taluk, Villupuram District, he executed a gift deed in favour of the fourth respondent in respect of his house site measuring to an extent of acre 0.05 cents (0.02.0 Ares) situated in Nagakuppam Village, Pandiangukuppam Madura, Chinnasalem Taluk, Villupuram District, which was registered as Document No.1641 of 2005 dated 08.07.2005, on the file of the SRO, Chinnasalem.

2.It is the further case of the petitioner that vide communication in Na.Ka.No.4139/A3/05 dated 04.08.2005, the third respondent called the petitioner for interview for the post of Pharmacist. Accordingly, he attended the interview, but he was not selected. Hence, he made a representation dated 10.03.2010 to the second respondent requesting to sponsor his name for interview in the event of call for the post of Pharmacist by the third respondent. Since the said representation was not considered, the petitioner made another representation dated 07.01.2014 to the first respondent requesting to direct the second respondent to sponsor his name for interview by giving priority and subsequently direct the third respondent to appointment him in any suitable post, particularly to post of Pharmacist, as and when vacancy arises by giving priority based on his qualifications and also of the fact that the petitioner executed a Gift Deed dated 08.07.2005 and conveyed his house site property to the fourth respondent. Finding no response on the same, he has come up with the present writ petition seeking a direction to the first respondent to consider the said representation.

3.Upon notice, the second respondent filed a detailed counter affidavit inter alia stating that as per the notification dated 09.12.2013 received by the Director of Employment and Training, Guindy, Chennai for filling up of 308 pharmacist vacancies, a State level seniority list was prepared and sent to the Medical Services Recruitment Board, Chennai at the ratio of 1:5; and in the final list sent to the employer for the category of MBC/DNC Non-priority candidate, the cut of date for the pharmacist post is 06.01.1994, whereas the petitioner's seniority date is 25.10.1999 and hence, his name was not included in the list.

4.It is stated in the counter affidavit filed by the fourth respondent that there is no provision to appoint the petitioner in any of the Government departments, because the Government servants are appointed only through the Tamil Nadu Public Service Commission and the fourth respondent has no authority to interfere with the same; further, the petitioner's claim may be considered only in the Government Public Sector Units; moreover, there are no terms in the gift deed in respect of priority in employment and appointment to the petitioner in the Government Departments; and hence, the writ petition is not maintainable.

5.However, today, when the matter was taken up for consideration, the learned Additional Government Pleader appearing for the respondents fairly submitted that the respondents would consider the representation of the petitioner, if it is pending and pass orders, on merits, within a reasonable time to be fixed by this Court.

6.Though the prayer made in this writ petition is ambiguous in nature, in view of the submission so made by the learned Additional Government Pleader appearing for the respondents, this Court directs the first respondent to consider the Petitioner's representation dated 07.01.2014, if not already considered and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7.This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

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To

1. The District Collector,
Villupuram District,
Villupuram.
2. The District Employment Officer,
Villupuram District,
Villupuram.

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3. The Deputy Director,
Office of Deputy Director of Health Services,
Villupuram.
4. The Block Development Officer,
Chinnasalem Panchayat Union,
Chinnasalem Taluk, Villupuram District.

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PPA (CO)
CS/22/06/2021



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