



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.09.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.23566 of 2019
(Through Video Conferencing)

R.Jayaraman

... Petitioner

Vs

1. The Director of Adi Dravidar Welfare,
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The District Adi Dravidar Welfare Officer,
Villupuram District,
Villupuram.

3.The Special Tahsildar (Adi Dravidar Welfare),
Kallakurichi,
Villupuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, directing the respondents to pass orders for appointment to the post of Cook in Adi Dravidar Welfare Schools, Villupuram District based on the selection conducted and concluded in the year 2016 as per call letter for interview issued by the 2nd respondent in Na.Ka.M1/11488/2014 dated 02.02.2016, by considering the representation submitted by the petitioner on 15.02.2019, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr. L.S.M. Hasan Fizal,
Government Advocate



O R D E R

The petitioner was called for the interview as early as on 02.02.2016. After verification, the petitioner was however not issued any appointment order. It is the case of the petitioner that though the petitioner was selected and his name was included in the selection list, he was not appointed. He stated the reasons for not appointing by the petitioner was due to the pendency of writ petitions in W.P.Nos.6008, 6009 and 6010 of 2016 and 4996 to 4998 of 2017 and dated 18.08.2018. It was further submitted that the 1st respondent has also called for clarification for filling up the posts by referring to the fact that the selection was not pursued based on the interim orders granted in the writ petition and after the dismissal of the writ petitions, the selection to be finalised by giving appointment orders to the persons get selected.

2. The learned counsel for the petitioner submits that after interim orders have obtained, these writ petitions have been dismissed.

3. Under these circumstances, the petitioner sent a representation dated 15.02.2016, to consider for being selected/appointed pursuant to the call letter dated 02.02.2016.

4. The learned counsel for the petitioner further submits that the petitioner has now crossed the age and therefore cannot be appointed. It is therefore submits that the petitioner's case may be considered on merits as on the date of interview/call letter dated 02.02.2016.

5. Appearing on behalf of the respondents, learned counsel for the respondents submits that based on the Government orders, the 1st respondent had issued instructions vide letter Na.Ka.No.Tha.2/0950/2020 dated 26.05.2020 that as the District Adi Dravidar and Tribal Welfare Officers are the appointing authorities for the posts of Cook, Night watchman and Sweeper vacancies in such posts can be filled up only by the eligible candidates of the respective District only. Accordingly, and after the publication in the dailies, necessary interview and certificate verification was conducted on 05.10.2020 and 06.10.2020 for the candidates belongs to Villupuram District alone and orders of posting for 30 persons was issued by the 3rd



respondent on 08.10.2020. The applications received from the petitioner indicates that the petitioner belongs to Kallakurichi District (922 applications) and files were transferred to the District Adi Dravidar and Tribal Welfare Officer Kallakurichi vide this office letter dated 23.09.2020 for necessary action.

6. The learned counsel for the respondents further submits that the 3rd respondent has not received any representation which is said to have been issued by the petitioner on 15.02.2021. Under these circumstances, it is submitted that the writ petition has liable to be dismissed.

7. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

8. Admittedly, the petitioner was called for interview on 02.02.2016 by the 1st respondent. However, the interview did not culminate in an appointment letter in favour of the petitioner in view of the pendency of the writ petitions. The petitioner has sent a representation dated 15.02.2021. The respondent have however proceeded to appoint others pursuant to the Government Order dated 26.05.2020 vide letter Na.Ka.No.Th.2/0950/2020.

9. Considering the fact that the petitioner was already selected but was not issued with any appointment letter due to the pendency of the writ petitions, this Writ Petition is disposed by directing the respondents to consider the representation dated 15.02.2021 of the petitioner favourably. If the petitioner was otherwise eligible to be appointed pursuant to the call letter dated 02.02.2016, he may be appointed suitably. The respondents shall therefore considered and pass appropriate orders on merits within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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Chennai - 600 005.

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3. The Special Tahsildar (Adi Dravidar Welfare),
Kallakurichi,
Villupuram District.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.48307

+1cc to the Government Pleader, S.R.No.49035

W.P.No.23566 of 2019

PP(CO)
SB(04/10/2021)