



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.1114 of 2021

and W.M.P. (MD) .No.968 of 2021

WEB COPY

T.Indhuja

...Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Labour and Employment Department,
Fort St. George, Chennai.

2.The Secretary to Government of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai.

3.The District Employment Exchange Officer,
Employment Office,
Kokkirakulam, Tirunelveli District.

4.The District Welfare Officer,
Adi Dravidar and Tribal Welfare Department,
Kokkirakulam, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 4th respondent to provide appointment to the post of cook or sweeper to the petitioner any one of the existing vacancy with following any due process of law.

For Petitioner : Ms.M.Anbarasi

For Respondents : Mr.P.Kannithevan
Additional Government Pleader

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2.The petitioner had earlier filed a writ petition in W.P.(MD). No.8669 of 2017, seeking for issuance of Writ of Mandamus, directing the respondents to provide the petitioner a suitable post preferably to the post of Cook in existing vacancy in the Adidravidar/Tribunal Welfare Department. By order dated 28.04.2017, this Court had directed the respondents to consider the petitioner's request made in this regard, within a stipulated time. The present writ petition is for the same prayer for issuance of Writ of Mandamus directing



the fourth respondent to provide appointment to the post of cook or sweeper in the existing vacancy.

3.The learned counsel for the petitioner would submit that pursuant to the orders of this Court dated 28.04.2017, the second respondent herein had issued a notification dated 30.12.2020, calling for applications to fill up 33 vacancies to the post of cook in the second respondent Department/Hostels.

4.When the writ petitioner had already filed a writ petition for a similar relief and this Court had also entertained the writ petition by giving a direction to the third respondent, the second writ petition with the same prayer may not be maintainable. However, it is always open to the petitioner to participate in the selection process, pursuant to the notification dated 30.12.2020. Moreover, when this Court had earlier directed the respondents to consider her representation dated 20.08.2017, this Court does not appreciate the manner, in which, the respondents have proceeded with the notification, without compliance, with the earlier orders of this Court. It would be appropriate to observe that the respondents would be duty bound to comply with the order at the earliest, since the time limit stipulated in the earlier order has already been expired.

5.With the above observation, the writ petition stands closed. The closure of the present writ petition shall not dis-entitle the petitioner from participating in the subsequent selection process, only if she is otherwise qualified. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

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VB (10.02.2021) 3P 5C