



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.8316 of 2021

and

W.M.P(MD)Nos.6290, 6291 & 6292 of 2021

WEB COPY

S.Ranjith Babu

... Petitioner

vs.

The District Child Protection Officer cum  
District Collector,  
Office of the District Child Protection Officer,  
District Block Level Officer Building - II,  
Collectorate Campus,  
Theni - 625 531.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of respondent made in the Press News dated nil insofar as Sl.No.2 relating to the post of Counsellor-1 and consequent paper advertisement in Dinamalar dated 17.02.2021 are concerned quash the same and consequently forbearing the respondent herein from interfering with the discharge of day-to-day work of the petitioner herein as Counsellor - 1 under the respondent without following due process of law.

For Petitioner : Mr.K.Appadurai

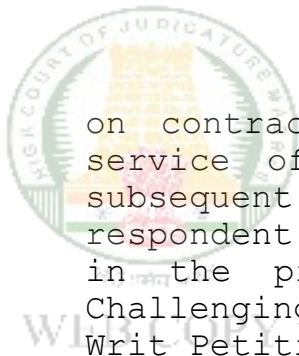
For Respondent : Mr.C.Ramesh  
Special Government Pleader

### ORDER

This Writ Petition is filed seeking a Writ of Certiorarified Mandamus, to quash the impugned order of the respondent made in the Press News, dated nil insofar as Sl.No.2 relating to the post of Counsellor-1 and consequent paper advertisement in Dinamalar dated 17.02.2021 are concerned and consequently, forbearing the respondent herein from interfering with the discharge of day-to-day work of the petitioner as Counsellor - 1 under the respondent without following due process of law.

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

3.The petitioner was appointed as Counsellor on 30.08.2012 by the respondent on consolidated pay. The terms of his appointment was



on contractual basis for a period of one year. Thereafter, the service of the petitioner was extended for every year for the subsequent periods on contractual basis. In the meantime, the respondent called for application to fill up the post of Counsellor in the press news and paper advertisement, dated 17.02.2021. Challenging the same, the petitioner has come out with the present Writ Petition.

4.The learned Special Government Pleader appearing for the respondent submitted that with regard to the very same relief, the petitioner earlier filed a Writ Petition in W.P(MD)No.3341 of 2021, challenging the press news with regard to the post of Field Worker and this Court, after considering the issue in detail, dismissed the said Writ Petition on 19.02.2021. Suppressing the dismissal of the Writ Petition, the petitioner has come out with the present Writ Petition, challenging the very same paper news by adding the advertisement published in the newspaper, dated 17.02.2021, with regard to the post of Counsellor and prayed for dismissal of the Writ Petition.

5.The petitioner has filed the present Writ Petition, after changing the counsel, by adding the advertisement published in the newspaper, dated 17.02.2021 and also changing the post as Counsellor instead of Field Worker, for the very same relief in a different form.

6.Considering the materials available on record, it is seen that the petitioner has suppressed the dismissal of the earlier Writ Petition in W.P(MD)No.3341 of 2021 filed by him for the very same relief in the present Writ Petition. In the earlier Writ Petition filed by the petitioner, the impugned order is only paper news and he has stated that he was a Field Worker. In the present Writ Petition, the impugned order is press news and the advertisement published in the newspaper, dated 17.02.2021 and he has stated that he was a Counsellor. In the earlier Writ Petition in W.P(MD)No.3341 of 2021, by order dated 19.02.2021, this Court, after considering the material elaborately, dismissed the Writ Petition. The relevant portion of the said order reads as follows:-

"5.I am not in agreement with the said submission. The petitioner has been appointed purely on contract basis for a period of one year only with effect from 30.08.2012. Just because the respondents had chosen to extend his period subsequently every year, would not confer the petitioner any right to either have a preferential consideration in the present impugned notification or would give raise to a cause of action to quash the notification calling for application for the post of Field workers. However, if the petitioner is qualified to apply for the same post, it would



always open to him to participate in the selection process by making an appropriate application."

7. In view of the suppression of the earlier Writ Petition, the present Writ Petition filed by the petitioner, for the very same relief, is not maintainable. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

**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.

To

The District Child Protection Officer cum  
District Collector,  
Office of the District Child Protection Officer,  
District Block Level Officer Building - II,  
Collectorate Campus,  
Theni - 625 531.

+1 CC to M/s.SPL GP ( SR-17578[F] dated 26/04/2021 )

**W.P (MD) No. 8316 of 2021**  
**23.04.2021**

RK(12.05.2021) 3P 3C