



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. [MD]No.405 of 2019

and

C.M.P. [MD]No.3475 of 2019

R.Suresh : Appellant/Writ Petitioner

Vs.

- 1.The Chairman,
Indian Space Research Organization,
Govt. of India Department of Space,
Antariksh Bhavan, New BEL Road,
Bangalore - 560 231.
- 2.The Administrative Officer (Recruitment),
Liquid Propulsion System Centre,
(Presently ISRO Propulsion Complex),
Mahendragiri - 627 133.
Tirunelveli District.
- 3.The Controller,
Liquid Propulsion System Centre,
Valiamala P.O.,
Thiruvananthapuram - 695 547.
- 4.The Administrative Officer (Recruitment),
Liquid Propulsion System Centre,
Valiamala P.O.,
Thiruvananthapuram - 695 547.

5.Mamindla Sathish : Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 01.02.2019, in W.P.[MD]No.17424 of 2014 and allow the Writ Petition.

PRAYER IN WP(MD) . 17424/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order No. 1/5(6) /13 - DLS dated 27.03.2014 issued by the 3rd respondent and quash the same as illegal and consequently direct the 4th respondnet to consider the petitioner for appointment to the post of Technical Assistant (Civil) under priority category of member of a family displaced on account of acquisition of lands at



the 2nd respondent LPSC centre and pass such further or other orders.

For Appellant : Mr.M.Jerin Mathew
For Respondents 1 to 4 : Mr.E.T.Rajendran
For Respondent No.5 : Mr.S.Balaji

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JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mr.M.Jerin Mathew, learned Counsel appearing for the appellant, Mr.E.T.Rajendran, learned Counsel appearing for respondents 1 to 4 and Mr.S.Balaji, learned Counsel appearing for the fifth respondent.

2.This Writ Appeal by the writ petitioner is directed against the order dated 01.02.2019, in W.P.[MD]No.17424 of 2014.

3.The said writ petition was filed praying for issuance of Writ of Certiorarified Mandamus, to quash the order passed by the third respondent dated 27.03.2014 and for a consequential direction to the fourth respondent to consider the petitioner for appointment to the post of Technical Assistant (Civil), under priority category of member of a family displaced on account of acquisition of land for the purpose of forming the Liquid Propulsion System Centre in Tirunelveli District.

4.Before the learned Writ Court, it appears that arguments were advanced based upon the judgment of the Hon'ble Division Bench in W.A.Nos.2736 and 2737 of 2001. The learned Single Bench rightly noticed that the Hon'ble Supreme Court has held that the said judgment cannot be treated as a precedent. However, the question is whether the appellant had the right to seek for priority in the matter of grant of employment, merely on the ground that he is a person who has lost his land in the land acquisition proceedings for the project of the second respondent. The respondent department had clearly stated that the lands were secured as early as in 1980's, through the Government of Tamil Nadu and suitable compensation from the funds of the Department of Space has been paid and that the department has no direct contact with the land owners and no assurance was given to any of them, including the State Government authorities, to provide employment to the displaced persons.

5.Further, the allegation made by the appellant that the respondents have appointed several persons whose lands were secured was denied as false. That apart, the delay in filing such a representation was also held against the appellant. Further more, it was pointed out that fulfillment of qualification prescribed for the

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recruitment is conducted, no appointment can be made. The reasons assigned by the respondent department is perfectly valid and the learned Single Bench rightly rejected the prayer sought for in the Writ Petition. Thus, we find no good grounds to interfere with the order passed by the learned Writ Court.

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6. Accordingly, the Writ Appeal stands dismissed. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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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+1 CC to M/s.M.E.ILANGO, Advocate (SR-19370[F] dated 16/06/2021)

+1 CC to M/s.ET.RAJENDRAN, Advocate (SR-19435[F] dated 17/06/2021)

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