



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.17918 of 2021

& WMP (MD) No.14783 of 2019

S.Mariappan

... Petitioner

Vs.

1.The Director/Commissioner,
Backward Classes and Minorities Welfare Department,
Chepauk, Chennai-600 005

2.The District Backward Classes and Minorities Welfare Officer,
Backward Classes and Minorities Welfare Department,
Dindigul District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to allow the petitioner to join duty as a Cook in his last working place i.e., Palani, Government Polytechnic College Boys (most Backward Classes) Hostel or any other Hostel under the respondent Department in Dindigul District and to make necessary entries in the Service Register of the petitioner taking into account the B.Ed Course done by him.

For Petitioner : S.Sukumar

For Respondents : Mr.S.Shanmugavel,
Standing Counsel for State.

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to allow the petitioner to join duty as a Cook in his last working place i.e., Palani, Government Polytechnic College Boys (most Backward Classes) Hostel or any other Hostel under the respondent Department in Dindigul District and to make necessary entries in the Service Register of the petitioner taking into account the B.Ed Course done by him.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.According to the petitioner, he was appointed as a Cook in Palani Government Polytechnic College Boys (MBC) Hostel and completed his probation and later, he was posted at various places. He put in 5 years of service. He had ambition to study B.Ed. and applied for permission to study bachelor's degree through distance



education, which was also granted by the 2nd respondent. Later, he applied on 17.04.2018 for grant of unearned leave for a period from August 2018 to May, 2020 to enable him to study B.Ed. with permission to pursue the same. The 2nd respondent forwarded the representation of the petitioner to the 1st respondent for consideration. Since no orders were forthcoming, the petitioner vide representation 31.07.2018 informed the 2nd respondent and joined B.Ed. regular course in Vel College of Education at Palani. In the meanwhile, on 06.08.2019, the 2nd respondent issued charge memo for his absent from duty. Later, after completion of B.Ed.course, on 13.07.2020, the petitioner sought for permission to join duty and to provide allowance payable to him for his livelihood. There was no response, which prompted the petitioner to make another representation on 22.05.2021 seeking permission to join duty. Despite the same also, there was no response forthcoming from the 2nd respondent. Hence the Writ Petition.

5.Though a larger prayer has been sought for in the writ petition, the learned counsel for the petitioner would submit that it would suffice to direct the respondents to consider the representations of the petitioner and pass appropriate orders therein.

6.The learned Standing counsel, who takes notice for the respondents, would submit that the representations of the petitioner would be considered if it is otherwise in order and appropriate orders would be passed in accordance with law within the time stipulated by this Court.

7.Considering the aforesaid submissions of the learned counsel for the parties and also considering the limited prayer now sought for on behalf of the petitioner, this Court without expressing any opinion on merits of the Writ Petition, directs the respondents to consider the representation of the petitioner dated 13.07.2020, in the light of the order of this Court in M.P.No.1 of 2015 in W.P.No.19541 of 2015 and pass appropriate orders on merits and in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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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:

1.The Director/Commissioner,
Backward Classes and Minorities Welfare Department,
Chepauk, Chennai-600 005

2.The District Backward Classes and Minorities Welfare Officer,
Backward Classes and Minorities Welfare Department,
Dindigul District.

+1 CC to M/s.SPL.GP (SR-31016[F] dated 04/10/2021)

+1 CC to M/s.S.SUKUMAR, Advocate (SR-31300[F] dated 05/10/2021)

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01.10.2021

PS(CO)
KB(11.10.2021) 3P 5C