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W.P.No.13769 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13769 of 2019

V.Senthil Kumar

... Petitioner

-Vs-

1. The Commissioner,
(Employment and Training),
Commissionerate,
Guindy, Chennai 32.

2. The Regional Joint Director (Employment),
No.16, Williams Road,
Cantonment, Trichy-620 001.

3. The Assistant Director,
District Employment Office,
Semmandalam Post,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the 3rd respondent to dispose of the representation dated 21.2.2019.

For Petitioner : No Appearance

For Respondents : Mr.G.Nanmaran,
Special Government Pleader



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ORDER

The relief sought for in the present writ petition is to direct the third respondents to dispose of the representation dated 21.02.2019.

2.The learned Special Government Pleader appearing on behalf of the respondents brought to the notice of this Court that the representation submitted by the writ petitioner was considered and disposed of by stating that he was already over aged and the sponsoring of candidates for selection would be done as per the rules in force.

3.The grievance of the writ petitioner is that he had registered his name in the District Employment Exchange, Thanjavur on 11.06.1991. Thereafter, he shifted his residence to Chidambaram, Cuddalore District. Despite the fact that he transferred the employment registration, he had not received any interview call letter for selection for appointment.

4.The petitioner states that he had submitted a representation to consider his case for sponsoring his name which was not considered,



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thus, he filed the present writ petition.

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5.The Government had issued G.O.Ms.No.44, Labour and Employment dated 11.03.2015 based on the order of the High Court in W.A.No.1027 of 2013, that all vacancies notified for any post to the Employment Exchange Offices should also be advertised in the Newspaper (one in Vernacular language) having wide circulation in order to provide opportunity to all the eligibility persons and appointment to the post should be ordered after conducting the necessary tests or interview for all the candidates who have applied post, along with the persons sponsored by the Employment Exchange.

6.Therefore, it is not as if names are sponsored only through the District Employment Exchange for any appointment. In respect of the selections, publications are widely made in newspapers, enabling the candidates to participate in the process of selection. Therefore, two modes are in practice as of now i.e., both through Employment Exchange and by effecting publication widely in the local newspapers. Therefore, no one is deprived of the principle to participate in the process of selection. The practice is being adopted in order to provide equal opportunity in public employment and therefore, the contention of the



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petitioner is untenable.

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7.In the present case, the petitioner was over aged even in the year 2013. At the time of filing the writ petition, the petitioner was aged about 46 years and now he would be around 50 years. Since the petitioner was over aged in the year 2013 itself, his name was not sponsored. However, his opportunities were not denied, since the process of recruitment was notified widely in newspapers.

8.This being the factum, merely directing the authorities to consider the representation at this length of time would do no service to the cause of justice and more so, the petitioner is over-aged and thus, no further consideration is required. Accordingly the writ petition stands **dismissed**. However, there shall be no order as to costs.

01.12.2022

Index : Yes
Speaking order
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To

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S.M.SUBRAMANIAM.J.,

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