

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 32100 of 2016
and
W.M.P. No. 27843 of 2016

P.Saravanan

...Petitioner

-vs-

1. Director of Backward Classes,
Chennai 600 005.
2. District Collector,
Vellore District,
Vellore.
3. District Backward Classes and
Minority Welfare Officer,
Vellore, Vellore District.

...Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 3rd respondent in Na.Ka.No.3/12677/2016 dated 30.08.2016 and quash the same, and direct the respondents to consider and appoint the petitioner as Cook, by transfer of service, by considering the representation made by the petitioner for the post of Cook, dated 04.12.2015, followed by reminder dated 16.04.2016.

For Petitioner : Mr. P.Ganesan
for M/s. C.S. Associates

For Respondents: Mr. P.Balathandayutham
Special Government Pleader

O R D E R

Heard Mr. P.Ganesan, Learned Counsel for the Petitioner and Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2.The Petitioner, who was appointed as part-time Sanitary worker in Government Most Backward Classes Welfare College Students Hostel, Vellore through employment exchange, had made representations for appointing him as Cook by transfer of service and this Court by order dated 13.07.2016 in W.P. No. 23854 of 2016 and directed the Third Respondent to pass orders in that regard. In furtherance to the said order, the Third Respondent by order in Na. Ka. No.3/12677/2016 dated 30.08.2016 rejected those representations, which is challenged in this Writ Petition.

3.The Third Respondent has filed Counter-Affidavit dated 03.01.2018 explaining that the selection to the post of Cook has to be made by the State Level Selection Committee based upon the marks obtained by the candidates in the interview and the Petitioner could not be straightaway appointed to that post by way of transfer merely because a vacancy existed in the hostel where he was working.

4. As it is beyond cavil that appointment in public service would have to conform to the rule of equality of opportunity to all eligible citizens guaranteed under Articles 14 and 16 of the Constitution of India, the explanation of the Third Respondent deserves acceptance. In that view of the matter, it is not possible to entertain the claim made by the Petitioner, but it is made clear that the Petitioner is not precluded from applying for appointment to the post of Cook when a vacancy arises, if he is otherwise eligible for such appointment in accordance with law.

In the result, the Writ Petition is dismissed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Director of Backward Classes,
Chennai 600 005.

2. The District Collector,
Vellore District,
Vellore.
3. The District Backward Classes and
Minority Welfare Officer,
Vellore, Vellore District.

+1cc to the Government Pleader, S.R.No.45236

W.P. No. 32100 of 2016

BP(CO)
RGA(14/07/2022)