

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.846 of 2014

K.Balamurugan

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
State Backward and Most Backward Classes
Welfare Department,
Secretariat, Chennai - 9.
2. The Chairman,
State Backward and Most Backward Classes
Welfare Department,
Ezhilagam, Chepauk,
Chennai - 600 005.
3. The District Collector,
Cuddalore,
Cuddalore District.
4. The District Backward Classes and
Minorities Welfare Officer,
Cuddalore, Cuddalore District.
5. The District Employment Officer,
Cuddalore - 607 001.

6. C.Franklin Selvakumar

7. J.Ganesh

8. K.Madhanraj

... Respondents

[R7 and R8 impleaded vide order dt. 15.06.2022
made in WMP.No.1829 of 2019 in WP.No.846/2014]

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 4th respondent in Na.Ka.J3/56459/06 dated 14.02.2013 and quash the same and consequently direct the 4th respondent to appoint the petitioner as Secondary Grade Warden in the B.C. Priority category and confer all the consequential benefits.

For Petitioner : Mr.P.Mohanraj

For Respondents

R1 to R5 : Mr.S.Silambanan
Additional Advocate General assisted by
Mrs.S.Anitha
Special Government Pleader
R6 : Mr.A.Sirajudeen
R8 : Mr.S.Venkatesh

O R D E R

The order of appointment issued in favour of the 6th respondent in proceedings dated 14.02.2013 is under challenge in the present writ petition.

2.The writ petitioner participated in the process of selection for appointment to the post of Secondary Grade Warden/Secondary Grade Matron in the District Backward and Most Backward Classes land Minority Community Welfare Hostels in Cuddalore Distict. The petitioner participated pursuant to the recruitment notification. The claim of the writ petitioner is that he is fully qualified and eligible to secure appointment under the Priority category. However, the 4th respondent had committed several illegalities in the matter of selection and appointed unqualified persons by accepting the fake Priority certificates which were cancelled. Setting out all these allegations, the petitioner filed a writ petition to quash the appointment order. The representation sent by the petitioner was not considered. Further, the petitioner submitted a complaint to the Vigilance Department which was also not acted upon. Thereafter, the present writ petition is filed.

3.The learned Additional Advocate General appearing on behalf of the State made a submission that actions are promptly initiated by the Department in respect of the irregularities and illegalities in the matter of appointment to the post of Secondary Grade Warden. Based on the complaints, the materials were collected and actions were initiated against the respondents 7 and 8. The enquiry proceedings are also commenced and in verge of completion. However, the 4th respondent, i.e. the District Backward Classes and Minorities Welfare Officer was also placed under suspension and therefore, the enquiry is unable to be progressed.

4.The learned counsel appearing on behalf of the 8th respondent made a submission that an enquiry was conducted on the allegations against the 8th respondent and he was exonerated.

5.However, the learned Additional Advocate General objected the said contention by stating that the enquiry was not properly conducted and the parties are re-visiting the process.

6.This Court is of the considered opinion that the learned Additional Advocate General made a submission that there were certain irregularities and illegalities identified during the verification and all further actions are taken to set right the issues. In this regard, the Enquiry Officer is to be appointed as the District Backward Classes and Minorities Welfare Officer is placed under suspension. In view of the fact that the respondent State themselves have initiated action and in the process of conducting enquiry, further directions are to be issued to expedite the same.

7.Accordingly, the Commissioner of Backward Classes and Most Backward Classes Welfare Department, Ezhilagam, Chepauk, Chennai-5 is directed to appoint an Enquiry Officer not below the rank of the District Backward Classes and Minorities Welfare Officer within a period of three weeks from the date of receipt of a copy of this order. The Enquiry Officer to be appointed is directed to conduct enquiry which is to be monitored by the Commissioner and by following the procedures as contemplated under the Rules in force. Thereafter, based on the enquiry report all further actions are to be initiated against all the persons by following the procedures contemplated. The entire exercise is directed to be completed within a period of six months from the date of receipt of a copy of this order. The petitioner is at liberty to participate in the process of selection, if any notified and if he is otherwise eligible in accordance with the rules.

8.With these observations, the writ petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cse

To

1. The Secretary to Government,
State Backward and Most Backward Classes
Welfare Department,
Secretariat, Chennai - 9.
2. The Chairman,
State Backward and Most Backward Classes
Welfare Department,
Ezhilagam, Chepauk,
Chennai - 600 005.
3. The District Collector,
Cuddalore,
Cuddalore District.
4. The District Backward Classes and
Minorities Welfare Officer,
Cuddalore, Cuddalore District.
5. The District Employment Officer,
Cuddalore - 607 001.

+1cc to Mr.P.Mohanraj, Advocate SR. No. 36100
+1cc to Mr.S.Venkatesh, Advocate SR. No. 35669
+1cc to Government Pleader SR. No. 36909

W.P.No.846 of 2014

PMK (CO)
PR (27/07/2022)