



WEB COPY



W.P. No.33603 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.33603 of 2022

V.Jothi Basu

... Petitioner

vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Personal and Administrative Reforms Department,
Fort St. George, Chennai – 600 009.

2.The State of Tamil Nadu,
rep. by its Secretary to Government,
Public Health and Preventive Medicine Department,
Fort St. George,
Chennai – 600 009.

3.The Director,
The Directorate of Public Health and
Preventive Medicine,
No.359, Anna Salai,
DMS Complex,
Teynampet,
Chennai – 600 006.

4.The Assistant Director Health Services,
No.1, Old Nattanmai Building Campus,
Salem – 636 001.

... Respondents



W.P. No.33603 of 2022

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd and 4th respondents to make appointment as afresh in accordance with G.O. Ms. No.142 Department of Personnel and Administrative (KAY) Reforms dated 14.10.2009 and Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and issued appointment for the post of Driver in Health Service Department to the petitioner with all benefit effect from 2016.

For petitioner : Mr.R.K.Gandhi

For respondents : Mr.E.Sundaram,
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 2 and 4 to make appointment afresh in accordance with G.O. Ms. No.142 Department of Personnel and Administrative (KAY) Reforms dated 14.10.2009 and Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and issue appointment for the post of Driver in Health Service Department to the petitioner with all benefits with effect from 2016.

2.The grievance of the petitioner is that no person coming under the category of Scheduled Castes Arunthathiyar, was appointed as a Driver by the respondents under the final selection list. According to him,



W.P. No.33603 of 2022

there is still a vacancy for the post of Driver under the said category. The petitioner participated in the selection process, but was not selected to the post of Driver even though he belongs to Scheduled Castes Arunthathiyar category.

3.Learned counsel for the petitioner would now submit that the petitioner is willing to give a representation to the respondents requesting the respondents to appoint him as a Driver under the Scheduled Castes Arunthathiyar category. Since the said category has not been filled up, a direction can be issued to the respondents to consider the said representation, on merits and in accordance with law, within a time frame to be fixed by this Court.

4.Heard Mr.R.K.Gandhi, learned counsel for the petitioner and Mr.E.Sundaram, learned Government Advocate accepts notice on behalf of the respondents.

5.No prejudice would be caused to the respondents if such a direction is issued by this Court.



W.P. No.33603 of 2022

6.For the foregoing reasons, this Court directs the petitioner to submit a representation to the fourth respondent requesting for being appointed as a Driver in the Directorate of Public Health and Preventive Medicine under the Scheduled Castes Arunthathiyar category, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the fourth respondent is directed to pass final orders, on merits and in accordance with law, within a period of eight weeks thereafter.

7.With the aforesaid direction, the writ petition stands disposed of.

No costs.

14.12.2022

Index: Yes/No
vga



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W.P. No.33603 of 2022

ABDUL QUDDHOSE, J.

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W.P.No.33603 of 2022

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