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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.11110 of 2014

S.Ayyasamy

...Petitioner

-Vs-

1.The State of Tamilnadu,
rep. by
Secretary to the Government,
Education Department,
Fort St. George, Chennai - 600 009.

2.The District Collector,
Perambalur.

3.The Tahsildar,
Veppanthattai Taluk,
Veppanthattai,
Perambalur District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, call for the records pertaining to the Orders in O.Mu./Aa.3/ 1097/2014 dated 14.3.2014 on the file of the third respondent quash the same and direct the first and second respondents to consider the representation dated 17.2.2014 seeking issuance of Government Job Preference Certificate for Donor of Land for Education.

For Petitioner : Mr. K.Selvakumar

For Respondents : Mr.M.Bindran
Additional Government Pleader

O R D E R

The order impugned dated 14.03.2014, rejecting the claim of the writ petitioner to issue certificate to claim priority in public employment, is under challenge in the present writ petition.

2. The petitioner submits that his father late Sengamalai gifted his property for construction of a school in that locality. Therefore, the petitioner states that his elder son



is eligible for priority appointment. The petitioner even at the time of filing of the writ petition in the year 2014 was aged about 61 years and therefore, he seeks priority employment for his elder son.

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3. The respondents have issued an order impugned in proceedings dated 14.03.2014 stating that the father of the writ petitioner gifted the land in the year 1963 and therefore, there is no provision to issue such priority certificate for public employment.

4. The learned counsel for the petitioner made a submission that the father of the writ petitioner no doubt gifted the land, however, the legal heirs are entitled for priority in employment.

5. This Court is of the considered opinion that the writ petitioner seeks priority for public employment for his elder son, as the other two legal heirs of the writ petitioner are suffering from mental illness.

6. Admittedly, the father of the writ petitioner gifted the property for construction of the school several years back. Therefore, the legal heirs of the father of the writ petitioner is not entitled to avail the benefit of priority appointment under the 'Land Losers' category. The petitioner during the relevant point of time had not approached the authorities. If at all he wishes to claim such benefit, now, after a lapse of many years, this Court cannot issue any direction for grant of priority certificate for providing employment under the land losers category.

7. Further, the petitioner has not gifted the land and his father only gifted the land in the year 1963 and at this length of time, the relief as such sought for in the writ petition, cannot be granted.

8. However, the eligible son of the petitioner is at liberty to participate in the process of selection, if any notified for recruitment.

9. With these clarification, the writ petition stands disposed of. No Costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

sha/ars



To

1.The Secretary to the Government,
State of Tamilnadu,
Education Department,
Fort St. George, Chennai - 600 009.

2.The District Collector,
Perambalur.

3.The Tahsildar,
Veppanthattai Taluk,
Veppanthattai,
Perambalur District.

+1cc to Mr.R.Selvakumar, Advocate SR. No. 34474
+1cc to Government Pleader SR. No. 34868

W.P.No.11110 of 2014

BP (CO)
PR (23/06/2022)