



W.P.No.20926 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.20926 of 2012 and
MP.No.1 of 2012

R.Soundararajan

... Petitioner

Vs.

1.Bharat Heavy Electricals Ltd.,/BAP,
A Govt.of India Undertaking,
Rep. by its Executive Director, Ranipet,
Vellore District 636 406

2.The Screening Committee,
Rep. by its Convener and District Revenue Officer,
Vellore – 9

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the BHEL and the screening committee conduct the interview after fixing a date for the interview, to provide suitable employment to the petitioner based on the qualification in BHEL from the original date of interview viz., 2.12.2011 with all benefits.

For Petitioner : M/s.C.S.Monica

For Respondents

For R1 : Mr.John Zachariah
for M/s.Fox Mandel Associates



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For R2 : Mr.L.S.M.Hasan Fizal

ORDER

This writ petition has been filed for direction to the BHEL and the screening committee to conduct the interview after fixing a date for the interview and to provide suitable employment to the petitioner based on the qualification in BHEL from the original date of interview viz., 2.12.2011 with all benefits.

2. Heard, the learned counsel appearing on either side.

3. The case of the petitioners is that for starting Bharat Heavy Electricals Ltd., a project called 'Boiler Auxiliaries Plant' at Ranipet, vast extent of lands owned by several private individuals were acquired around the year 1990. At the time of acquisition, they were promised that their one of the family members would be given employment in the said project. The petitioner's land was also acquired. In this regard, a notification was issued by the Screening Committee, which was constituted based on the direction issued by this Court, informing the



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land losers like the petitioner to appear with necessary records for employment. Though the petitioner failed to appear before the Screening Committee as he was hospitalized, his mother appeared and explained that he was unable to attend the interview on health grounds, which was not accepted by the Screening Committee. On the same day, his mother sent a letter to the District Collector in this regard. Thereafter, it was informed that the petitioner will not be called for interview. Hence, this writ petition has been filed.

4. A similar writ petition was filed by one, A.Sandhiya in WP.No.15180 of 2012 against the respondents seeking employment in the third respondent company even though she failed to submit her application to the Screening Committee as directed by the Hon'ble Division Bench of this Court. However, the writ petition was dismissed on 16.08.2012 observing as follows:

"In my considered opinion, it cannot be a ground to direct the respondents to consider the application which was submitted far beyond the period fixed for the receipt of the applications as directed by the Division



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Bench of this Court. In my considered opinion, if any such application submitted beyond 23.09.2011 is considered by the "Respondent, then it would only open the flood date. Further, it may be taken as violation of the orders passed by the Division Bench. Thus, I do not find any infirmity in the order of the " Respondent rejecting the claim of the petitioner."

5. Even in the appeal filed by the said petitioner in WA.No.2330 of 2012 the Hon'ble Division Bench of this Court by order dated 26.11.2012, confirmed the order of the Single Judge and dismissed the Writ Appeal. Thereafter, the said petitioner filed SLP (C) No. 9054/2013 and the same was also dismissed by the Hon'ble Supreme Court of India on 05.08.2013.

6. Therefore, having failed to appear before the Screening Committee on time, the petitioner is also disentitled from seeking any employment. As such, this writ petition is liable to be dismissed.

7. Accordingly, this writ petition is dismissed. Consequently,



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connected miscellaneous petition is closed. There shall be no order as to costs.

31.08.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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To

- 1.Executive Director,
Bharat Heavy Electricals Ltd.,/BAP,
A Govt.of India Undertaking,
Vellore District 636 406
- 2.Convener and District Revenue Officer,
The Screening Committee,
Vellore – 9
3. The Government Advocate,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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