



WEB COPY



W.P.No.5288 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.5288 of 2023
and W.M.P.No.5323 of 2023

M.B. Dinesh Kumar

... Petitioner

Vs.

1.The District Revenue Officer,
Nilgiris District,
Nilgiris.

2.The District Welfare Officer,
Adi Dravidar and Tribal Welfare Department,
Nilgiris District.

... Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents not to disturb the employment of the petitioner and not to remove the petitioner from the service as Cook on the ground of over educational qualification in the decision taken by this Hon'ble Court in W.P.(MD).No.16948 of 2022 dated 24.11.2022.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.D.Ravichandran,
Special Government Pleader



W.P.No.5288 of 2023

ORDER

WEB COPY

With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The apprehension of the petitioner is that he would be removed from services of the Cook, on the ground that he is over qualified. Earlier, when he had approached this Court, the order came to be passed on 09.09.2022 in a batch of Writ Petitions in WP.No.17415 of 2022 etc. batch, by directing the respondents to proceed with the inquiry after giving an opportunity of personal hearing to the petitioners. Pursuant to such directions, the respondents have also issued an inquiry notice on 05.01.2023.

3. According to the learned counsel for the petitioner, in an identical case, the Hon'ble Madurai Bench of Madras High Court, passed orders in a batch of Writ Petitions in WP.(MD).No.16948 of 2022 etc. batch, dated 24.11.2022, which stands in favour of the petitioner. The petitioner has also referred to the decision of the Hon'ble Madurai Bench in his representation dated 09.02.2023. The learned counsel further



W.P.No.5288 of 2023

submits that if the representation is considered by the respondents, the petitioner would be satisfied.

4. In the light of the submission made, the main prayer sought for in the present Writ Petition does not deserve consideration. However, there shall be a direction to the respondents to consider the petitioner's representation dated 09.02.2023, on their own merits and take further course of action in accordance with law, atleast within a period of four (4) weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition stands disposed of. No costs. Connected miscellaneous petition is closed.

22.02.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

Sni



W.P.No.5288 of 2023

M.S.RAMESH, J.

Sni

To

- 1.The District Revenue Officer,
Nilgiris District,
Nilgiris.
- 2.The District Welfare Officer,
Adi Dravidar and Tribal Welfare Department,
Nilgiris District.

W.P.No.5288 of 2023

22.02.2023