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W.P.No.28652 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2023

CORAM:

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

W.P.No.28652 of 2013 and
MP.Nos.1 & 2 of 2013

Kalavalli Bharathy

... Petitioner

Vs.

1. Government of Tamilnadu,
Tamil Development and Information Department,
Represented by Secretary to Government,
Secretariat, Chennai 600 009
2. The Director of Information and Public Relations and
Ex. Officio Joint Secretary to Government,
Chennai 600 009

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the respondents to issue orders to the petitioner appointing her as Journal Assistant in the 'Tamil Arasu' attached to the Office of the second respondent herein.

For Petitioner : Mr.S.Balakrishnan
for Mr.M.Ravi



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For Respondents : Mr.T.M.Rajangam,
Government Advocate

ORDER

This writ petition has been filed for direction to the respondents to appoint the petitioner as Journal Assistant in the 'Tamil Arasu' attached to the Office of the second respondent.

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

3. The petitioner is qualified with B.Ed. degree and she was appointed as Part-time Writer in the Office of 'Tamil Arasu', a monthly Tamil and English Journal published by the Government of Tamilnadu, Information and Public Relations Department on contract basis for 89 days. Thereafter, she was paid consolidated salary. While being so, two posts of Journal Assistants were notified for appointment during the month of December 2010. The petitioner possessed the prescribed educational qualification and experience. Therefore, she applied for the said post. Since there was no response, she submitted representation.



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Subsequently, the Chief Minister of Tamilnadu approved the proposal on 28.02.2011. But due to General Elections for the Tamilnadu Assembly and the 'Code of Conduct' that came into force on 01.03.2011, in view of the change of Government, the petitioner was not issued any order.

4. On perusal of the counter affidavit filed by the second respondent, revealed that according to the petitioner, the second respondent had submitted proposal for relaxation before the Hon'ble Chief Minister in the relevant rules with regard to age, qualification and stipulation of sponsorship through employment exchange to appoint the petitioner in one of the existing vacant posts as Journal Assistant. However, the said proposal to grant relaxation of Rules with regard to age, qualification and the stipulation of sponsorship through employment exchange in favour of the petitioner for her appointment has not been approved by the Government so far. As per rules prescribed for each and every post, appointments are being made. Part time writers are appointed in case eligible hands are not available.



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5. Therefore, this Court finds no merits in the petition, since the petitioner is not entitled for the relief sought for in this petition. As such, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

27.09.2023

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

1. Secretary to Government,
Government of Tamilnadu,
Tamil Development and Information Department,
Secretariat, Chennai 600 009
2. The Director of Information and Public Relations and
Ex. Officio Joint Secretary to Government,
Chennai 600 009
3. The Government Advocate,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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