



W.P.No.7964 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.7964 and 7970 of 2023

1. M.Mangalakshmi

2. M. Sumathy

...Petitioners in both W.P.s

vs.

1. The Commissioner of Adi Dravidar Welfare,
Public Information Officer,
Chepauk, Chennai – 600 005.

2. The District Adi-Dravidar & Tribal Welfare Officer,
Tiruvallur District,
Tiruvallur.

3. The Special Tahsildar (ADW),
Ponneri,
Tiruvallur District.

... Respondents in both W.P.s

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to consider the petitioners' representation dated 22.02.2023 under RTI Act and furnish the Regularization order in original passed by the second respondent vide Na.Ka.No.J6/16804/2019 dated 24.03.2022 as directed by first respondent's vide memo Na.Ka.No.Ra3/23632/2022 dated 14.10.2022.



W.P.No.7964 of 2023

In both W.P.s:

For Petitioners : Mr.S.Pushpakaran
For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader

ORDER

These Writ Petition have been filed seeking for issuance of a Writ of Mandamus to direct the second respondent to consider the petitioners' representation dated 22.02.2023 under RTI Act and furnish the Regularization order in original passed by the second respondent vide Na.Ka.No.J6/16804/2019 dated 24.03.2022 as directed by first respondent's vide memo Na.Ka.No.Ra3/23632/2022 dated 14.10.2022.

2. The case of the petitioners is that the respondents invited applications from eligible candidates for appointment to the post of “Cook” to be appointed in Adi-Dravidar Welfare School / College Hostels functioning under the control of the respondents. On satisfying the eligibility conditions fixed by the respondents, the petitioners were appointed as Cook vide order dated 31.12.2020 and also regularised vide proceedings dated 24.03.2022 of the first respondent, which was dismissed



W.P.No.7964 of 2023

by the first respondent vide communication dated 16.07.2022. In order to face the enquiry to be conducted by the respondents regarding the regularization of employment, the petitioners made representation dated 22.02.2023, before the second respondent seeking to furnish the regularisation proceedings dated 24.03.2022, of the first respondent under the Right to Information Act. Since the same was not considered, the present writ petitions have been filed.

3. Though very many grounds have been raised in the present writ petitions, it would suffice if this Court issues a direction to the second respondent to consider the petitioners' representation dated 22.02.2023 and pass appropriate orders within the time frame that may be fixed by this Court.

4. Learned Special Government Pleader appearing for the respondents submitted that if the petitioners are in need of any information regarding the regularization of their employment under the Right to Information Act, there is an appeal remedy available before the Public Information Officer by



W.P.No.7964 of 2023

filing application under the Right to Information Act, however, without availing such remedy presenting an application before the second respondent is not sustainable. Hence he prayed to dismiss these writ petitions.

5. Heard learned counsel appearing on either side and perused the materials placed before this Court.

6. As rightly pointed out by learned Special Government Pleader appearing for the respondents, if the petitioners require any information under the Right to Information Act, there is an appeal remedy available before the Public Information Officer, however, without availing such remedy, presenting representations before the second respondent seeking to furnish the regularization proceedings is not sustainable. Hence, this Court directs the petitioners to make fresh applications before the Public Information Officer under the Right to Information Act within a period of two weeks from the date of receipt of a copy of this order and if such applications are being made, the Public Information Officer is directed to



W.P.No.7964 of 2023

consider the said applications and pass appropriate orders on merits and in accordance with law within a period of four weeks thereafter.

7. These writ petitions are accordingly disposed of. No costs.

15.03.2023

RAP

Index : Yes/No
Speaking order / Non Speaking order : Yes/No
Neutral Citation Case : Yes / No

To

1. The Commissioner of Adi Dravidar Welfare,
Public Information Officer,
Chepauk, Chennai – 600 005.
2. The District Adi-Dravidar & Tribal Welfare Officer,
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W.P.No.7964 of 2023

M.DHANDAPANI, J.

RAP

W.P.Nos.7964 and 7970 of 2023

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