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Writ Petition No.6468 of 2015

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**RESERVED ON : 06.11.2023**

**PRONOUNCED ON : 24.11.2023**

**CORAM**

**THE HONOURABLE DR.JUSTICE D.NAGARJUN**

**Writ Petition No.6468 of 2015**

**&**

**MP Nos.1 & 2 of 2015**

E.Dhanasekar

..Petitioner

vs.

1.The Government of Tamilnadu,  
rep. by its Secretary to the Government,  
News Public Relations,  
Tamil Development, Charitable  
and Information Department,  
Fort St. George, Chennai- 600 009.

2.The Director,  
Information and Public Relations and  
Ex-Officio-Additional Secretary to Government,  
Government of Tamil Nadu, Fort St George,  
Chennai-600 009.

3.The Deputy Director(Publication),  
Stationary and Printing Department Campus,  
110, Anna Salai, Chennai-600 002.

... Respondents



Writ Petition No.6468 of 2015

**PRAYER** : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to issue an appointment order to the petitioner as Mono Key Board Operator in the "Tamil Arasu" attached to the office of the 2<sup>nd</sup> respondent herein, considering the experience and qualification of the petitioner in the respondent Department.

For Petitioner : Mr.K.Chozhan

For Respondents : Mr.Sangamithirai, Spl GP.

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### **ORDER**

This writ petition has been filed seeking to issue Mandamus, directing the respondents to issue an appointment order to the petitioner as Mono Key Board Operator in the "Tamil Arasu" attached to the Office of the 2<sup>nd</sup> respondent herein, considering his experience and qualifications in the respondent Department.

2. The case of the petitioner, in brief, as stated in the affidavit enclosed to the petition, are as follows:

2.1.The petitioner has completed SSLC and qualified in Type Writing both English and Tamil apart from DTP Operating, Tally, Photoshop and other Computer Courses. The petitioner enrolled his name in the



Writ Petition No.6468 of 2015

Employment Exchange in the year 1991.

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2.2.The petitioner was appointed as Computer Operator in the Office of "Tamil Arasu" which is a monthly Tamil and English Journal, published by the Government of Tamilnadu, on daily wage basis at Rs.174/- per day from 26.11.2007 onwards. He has served 16 years of unblemished service.

2.3.There were two posts of 'Mono Key Board Operator' sanctioned by the Government in the year 1973. Adhoc Rules were framed in respect of the said posts as per G.O.Ms.No.1159, (Public Information and Public Relations Admin.V) Department, dated 23.06.1978. One Balazi, who was initially appointed for daily wages, was subsequently appointed as Mono Key Board Operator in regular vacancy in the year 2011 and subsequently, promoted as Reporter. Thereafter, the post of Mono Key Board Operator was kept vacant. The petitioner has possessed prescribed qualification and experience and therefore, he made a representation to the third respondent to consider the petitioner for being absorbed in the post of Mono Key Board Operator. The third respondent has also recommended the petitioner for appointment to the post of Mono Key Board Operator.



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3. Pending consideration of the request of the petitioner, the Employment Exchange has sent a list of qualified candidates to be appointed as Mono Key Board Operators, respondents have conducted the interviews for appointing Mono Key Board Operators, but even then, none was selected.

4. According to the petitioner, since he possessed prescribed qualification and requisite experience, he is fully qualified and therefore, he is entitled to be absorbed as Mono Key Board Operator. Since the respondents have not considered his claim despite the representations, the petitioner has come forward with the present Writ Petition.

5. The respondents have filed a detailed counter, stating that as per Adhoc Rules, the mode of recruitment of Mono Key Board Operator is only by way of 'direct recruitment' or by recruitment from any other Class or category or recruitment by transfer from any other service. Originally the persons having passed SSLC and having practical experience of not less than 5 years as Mono Key Board Operator (Tamil and English) were eligible to be appointed. Subsequently, G.O.No.198, (Tamil Development



and Information (Admn-2.2) Department dated 05.12.2014 was issued by altering basic qualification required to be considered as passed in SSLC, Certificate in Desk Top Publishing (DTP) and practical experience in Lay out Designing.

6. It is mentioned further that list of eligible candidates was called from the District Employment Exchange, Chennai and later interviews were conducted on 26.02.2015 wherein, one K.R.Uma Maheswari was appointed as Mono Key Board Operator on 27.02.2015 vide proceedings no.3307/Admin 2.2/2015, thereby there were no vacancies are available.

7. Heard both sides and perused the records.

8. Even according to the petitioner, the mode of recruitment for the post of Mono Key Board Operator is by way of direct recruitment or recruitment by transfer from Class or category and also by way of transfer from any other service. The petitioner does not fit for any of the modes of recruitment processes mentioned above. The petitioner wanted him to be absorbed as Mono Key Board Operator summarily without conducting any



interview and without following the procedure. Further, as per GO.No.198, (Tamil Development and Information (Admn-2.2) Department dated 05.12.2014, apart from having SSLC one must have certificate in DTP and practical experience in Lay out Designing. Therefore, considering the qualification and experience required, the petitioner could have applied for the post even in case notification for recruitment of Mono Key Board Operator is advertised. Though, the petitioner was registered in Employment Exchange, on account of lack of his seniority, his name was not sent or recommended by the Employment Exchange.

9. The respondents have completed the recruitment process and appointed one K.R.Uma Maheswari as Mono Key Board Operator. Inasmuch as the recruitment process has already been completed wherein, a qualified candidate has been selected and as there are no vacancies, thereby this present writ petition has virtually become infructuous. Therefore, the request of the petitioner for a direction to the respondents to absorb him as Mono Key Board Operator cannot be considered.

10. During the course of submissions, the learned counsel for the



petitioner has submitted that the petitioner has also made subsequent representations to the respondents, praying to consider him for any eligible post basing on his continuous long standing 16 years of experience and hence, he sought for a direction to the respondents to consider the same.

11.This request made by the learned counsel for the petitioner cannot be considered, because the prayer sought for in the Writ Petition is to absorb the petitioner as Mono Key Board Operator only. Secondly, there is no clarity as to what are the vacancies that fell vacant and what are the educational qualifications prescribed and the mode of recruitment for filling up the said posts. Time and again, the Hon'ble Apex Court has categorically held that no back door appointments are to be made in public employments and the persons who entered through back door must be sent out the door. The authorities are bound to follow the recruitment Rules, while undertaking the process of appointment and appointing temporary employees and allowing them to continue in service for a considerable length of time and grant of regularization or permanent absorption shall not be entertained.

12. If at all, the petitioner having requisite qualifications and



Writ Petition No.6468 of 2015

experience which are suitable for any vacancy, the petitioner is at liberty to apply for the said post. If the petitioner is found to be over aged for any of the posts, then considering his continuous experience in the respondent Office for a period of 16 years, he can request the respondents for relaxation of upper age limit.

13. In view of the above, the petitioner has failed to make out a case to issue directions as sought for therefore, the Writ Petition is liable to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**24.11.2023**

Index : Yes/No  
Speaking order: Yes/No  
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**Dr.D. NAGARJUN, J**



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Writ Petition No.6468 of 2015

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Pre-Delivery Order in

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**24.11.2023**