



W.A.No.1922 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2023

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN

AND

THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.A.No.1922 of 2023

AND

C.M.P.No.16501 of 2023

K.Periyandavan

.. Appellant

Vs.

1.The Director
Adi Dravidar & Tribal Welfare Department
Ezhilagam Building, Chennai 600 005

2.The District Collector
Kancheepuram District, Kancheepuram

3.The District Adi Dravidar Welfare Officer
Kancheepuram District
Collectorate Campus, Kancheepuram

.. Respondents

Writ Appeal filed under Clause 15 of Letters Patent Act, against the order dated 13.02.2019 passed in W.P.No.4116 of 2019.

For Appellant : Mr.A.Gouthaman

For Respondents : Mr.Silambanan
Additional Advocate General
Assisted by Mrs.S.Anitha
Special Government Pleader



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JUDGMENT

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(Judgment of the court was delivered by R. MAHADEVAN, J.)

The appellant has preferred this appeal assailing the order dated 13.02.2019 passed by the learned Judge dismissing his writ petition in WP.No.4116 of 2019 on the ground that he has approached the writ Court belatedly and he has also not made out any acceptable ground for the purpose of considering the relief sought for in the writ petition.

2.The aforesaid writ petition has been filed for issuance of a writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the third respondent dated 26.03.2014, quash the same and consequently, appoint the appellant as Secondary Grade Teacher in Adi-Dravidar Welfare School at Kancheepuram District with effect from 2001 with all monetary and service benefits to him. According to the appellant, though he is fully qualified to the post of Secondary Grade Teacher, the candidates who were not qualified and younger than him were sponsored by the Employment Exchange, by violating the employment seniority. The learned Judge, by order dated 13.02.2019, dismissed the said writ petition. Aggrieved by the same, the appellant is before this Court.



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3.The learned counsel for the appellant submitted that the learned Judge has failed to take note of the fact that there are lot of differences in the interview list, selection list and appointment list prepared. The appellant's name was omitted to be shown in the selection list without any rhyme or reason. In all, it is stated that there are many irregularities and infirmities committed on the part of the respondents in respect of interview list, ranking, selection, cut-off date and appointment list and that, the appellant was continuously establishing his rights by questioning his non-appointment right from his knowledge pursuant to the call letter dated 29.01.2001. Stating so, the learned counsel prayed for setting aside the order passed by the learned Judge and to grant the prayer as sought for by him in the writ petition.

4.Upon notice, the learned Additional Advocate General appearing for the respondents brought to our notice that no such juniors were taken for appointment as alleged by the appellant and that, without adding them as necessary parties in the writ petition, the appellant has approached the writ Court and hence, the same was ultimately dismissed on laches, by the order impugned herein, which does not require any interference by this court.



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5. Heard the learned counsel on either side and perused the records carefully and meticulously.

6. Firstly, the order dated 26.03.2014 passed by the third respondent impugned in the writ petition states that no candidate was appointed in violation of the employment seniority. The said order has been passed on the complaint given by the appellant before the authorities, after due verification of the records. Secondly, the appellant has not clearly pointed out anything so as to establish that his juniors were already appointed, i.e., he has not established any specific case of violation of the principles of natural justice. In this regard, this Court is of the view that if at all his contention that his juniors in the Employment Exchange have been selected is true, the appellant ought to have impleaded them as necessary parties in the writ petition so as to establish his claim, but he has not done so. Thirdly, the employment seniority of the year 2001 cannot be agitated at this length of time, i.e., after a period of about 17 years at the time of filing the writ petition and now, it is 21 years. Thus, the learned Judge has correctly pointed out that the procedure of selection for appointment to the post of Secondary Grade Teacher underwent several changes and the Teachers Recruitment Board is conducting a open selection process and hence, the appellant has to participate only in the selection process conducted



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through the Board. Such findings rendered by the learned Judge cannot be
interfered with by this court.

7.Finding no merit, the writ appeal deserves to be dismissed and is accordingly, dismissed. No costs. Connected miscellaneous petition is closed.

[R.M.D, J.] [M.S.Q, J.]

11.12.2023

Neutral Citation : Yes
gya

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