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W.P.No.17689 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.17689 of 2021

K.Udhayakumar

...

Petitioner

/vs/

1. The District Collector,
Coimbatore District,
Coimbatore – 641 018.
2. The District Adi Dravidar and Tribal Welfare Officer,
Collectorate,
Coimbatore District,
Coimbatore – 641 018.
3. The Deputy Director,
The District Employment Office,
Coimbatore District – 29.
4. The District Employment Officer,
Office of the District Employment Office,
Coimbatore District – 29.

...

Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to provide a suitable compensation or assign free land to do agriculture, to the petitioner and



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further direct to provide any suitable Government job by relaxing the rules in respect of age, to the petitioner.

For Petitioner ... Mr.C.Neethi Mozhi
For Respondent ... Mr.T.Arunkumar
Additional Govt. Pleader

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus directing the respondents to provide a suitable compensation or assign free land to do agriculture, to the petitioner and further direct to provide any suitable Government job by relaxing the rules in respect of age, to the petitioner.

2. The petitioner who had failed 8th standard as on 10.06.1997 had registered himself in the employment exchange for the post of 'Sweeper'. The grievance of the petitioner is that despite he has registered himself in the employment exchange on 10.06.1997, his name was not sponsored in any of the recruitment that had followed subsequently.



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3. Mr.T.Arunkumar, learned Additional Government Pleader, submitted that the sponsored candidates for the post of 'Sweeper' have registered themselves in the year 1993; since the petitioner's seniority did not reach when the recruitment for Sweepers were done, the petitioner's name was not sponsored by the employment exchange.

4. The learned counsel for the petitioner submitted that the petitioner is eligible to compete for any of the post for which the educational qualification is 8th Standard; but the fourth respondent had wrongly made entries that the petitioner's employment can be done only for Sweepers and thereby his name was omitted to be sponsored for any of the recruitment that has been done for other post for which the minimum education qualification required was 8th Standard fail; the petitioner had filed a RTI application during the year 2017 for getting information as to the post which have been called for from the year 2013-2017 suiting to 8th standard educational qualification.



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5. It is seen that there are certain recruitments done between the year 2013-2017 as per the information furnished to the petitioner during the relevant point of time. The petitioner had stated that he has crossed the eligible year in the year 2020 and hence he had filed this petition directing the respondents to provide suitable compensation or assign free land to do agriculture.

6. Though it is understandable that the petitioner is aggrieved, he was keeping silence from the year 1997 to 2017 and only after 30 years it struck him that he should get information about the vacancies for which recruitment has been done previously. Had the petitioner approached the authorities concerned and enquired about the reasons as to why he was not sponsored to any other post so far, the mistake would have got rectified much earlier. Even if the petitioner's name is sponsored through employment exchange, there cannot be any assurance or guarantee to get an employment. It is difficult to believe that the petitioner who was existing for 35 years only by anticipating the Government appointment to make out his living without undertaking any other avocation.



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7. The failure to sponsor the name of the petitioner for any other post

is also contributable to the ignorance on the part of the petitioner as well, as they did not give the required details and clarifications during the relevant point of time or within the reasonable point of time.

8. It is reliably learnt that the petitioner had made a complaint in this regard to National Commission for SC/ ST, and on which the commission had advised the District Adi Dravidar and Tribal Welfare Officer to explore any possibility to provide an employment to the petitioner as a Cook or Watchman in their department. However, the District Adi Dravidar and Tribal Welfare Officer had expressed his inability that such post cannot be filled up without due advertisements and following the regular procedure for recruitment. Finally an advice was given to the District Employment Officer to relegate the petitioner by placing him in some reputed private organization, who participate in job fairs. Subsequently the petitioner was invited for a job fair on 25.02.2019 but the petitioner was not selected by any of the employers. So it is up to the fourth respondent to find any other possibility for the petitioner to get employed and continue to send him



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letters to participate in the future job fairs also.

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9. I do not find any justification in considering the relief sought by the petitioner either to award compensation or to grant him some agricultural land for doing cultivation. If such a fancy relief is granted, that will set a bad precedent and everyone who did not get any employment and but waiting in ques before the employment exchange without any sponsor will knock the doors of the Court by seeking similar reliefs. Registering with Employment Exchange can get the facility of getting connected with employers.

10. In view of the reasons stated above, this Writ Petition is dismissed. No costs.

10.11.2023

Index: Yes / No
Speaking order / Non-speaking order
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R.N.MANJULA ,J.

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