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W.P.No.8958 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE DR. JUSTICE D.NAGARJUN

**W.P.No.8958 of 2016
and
W.M.P.Nos.7961 and 7962 of 2016**

S.Sadhasivam

...Petitioner

Vs

1. The District Collector,
Villupuram District.
2. The Deputy Director of Health Services,
No.14,K.Mamanthal Road,
Kallakurichi – 606 202
Villupuram District.
3. The Block Medical Officer,
Elavanasoor Kottai- 607 202.
Ulundurpettai Taluk, Villupuram District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a mandamus, directing the first and second respondents to appoint the petitioner in the post of Driver in the third respondent office in pursuant to interview conducted for the notification published by the second respondent for the recruitment of drivers for the Primary Health Centers including the third respondent office bearing reference No.nil as published by the second



W.P.No.8958 of 2016

respondent in Thina Thanthi newspaper dated 19.01.2016.

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For petitioner : Mr.T.Sundaravadanam
For respondents : Mr.R.U.Dinesh Kumar
Additional Government Pleader
For R2 and R3 : Mr.S.Gopinathan

ORDER

This writ petition is filed seeking a direction to the first and second respondents to appoint the petitioner in the post of Driver in the third respondent office in pursuant to interview conducted basing on the notification published by the second respondent published by the second respondent in Thina Thanthi newspaper dated 19.01.2016.

2. The facts in brief as submitted by the learned counsel for the petitioner are as follows:

3. The petitioner has completed 10th standard and holds LMV and HMV driving license and has registered in the District Employment Office, Cuddalore has joined service in the third respondent office on temporary basis as a Driver, as per the orders dated 30.03.2011 for the medical camp vehicle and received a monthly salary of Rs.9,000/- which was being



W.P.No.8958 of 2016

credited to his account regularly. The petitioner has been working in the third respondent office for more than four years.

4. Second respondent has issued recruitment notification dated 19.01.2015 inviting application for the post of Driver in the Primary Health Centre. Pursuant to the said notification the petitioner has submitted his application. In pursuance of letter dated 28.01.2016 the petitioner has attended interview along with the required credentials, but he was not selected. According to respondent, only reason for non-selection of the petitioner as a Driver is that the petitioner could not submit his original driving license, at the time of interview. It is submitted by the learned counsel for the petitioner that the petitioner that at the time of interview he has produced copy of the driving license this Court on 10.03.2016 has directed the respondents to maintain status-quo as on date in regard to the petitioner's employment and also directed to keep one post of driver vacant.

5. During the course of hearing, the respondent filed a status report and relevant portions of the status report are extracted hereunder:

“3. The Hon'ble High Court of Madras in its order dated 16.08.2022 made in W.P No. 8958 of 2016 and W.M.P Nos 7961 and 7962 of 2016 has otherwise entitled to be selected for a the post. The operative part of the order is extracted here under directed the respondents to file a report as to whether the



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petitioner is

“As it is stated in the counter affidavit dated 13.10.2017 filed by the second respondent that the petitioner had not produced the original driving license at the time of interview, learned counsel for the petitioner would submit it before the concerned authority for verification. The respondents shall thereafter file report as to whether the petitioner is otherwise entitled to be selected for the post of the next hearing.”

4. As per the orders of the Hon'ble court. the petitioner had submitted his original licence and the same was sent to Regional Transport Office, Virudhachalam for genuineness verification vide Deputy Director of Health Services, Kallakurichi letter no R.No.5681/A5/2023 dated 21.12.2023.

5. Subsequently, Motor Vehicle Inspector Grade- I. Motor Vehicle Inspection Office, Virudhachalam in his letter R.No. 21941/A2/2023 dated 10.11.2023 has informed that the driving licence is genuine.

6. At this Juncture, I Humbly Submit that the petitioner is eligible to hold the post of Driver.

6. On perusal of the above status report filed by the Deputy Director of Health Services, Kallakurichi the original driving licence of the petitioner was sent to the RTO by the respondent for a report as to its genuiness and the report has been received that the driving licence submitted by the petitioner is genuine. It is also mentioned that the petitioner is eligible to hold the post of Driver.

7. In view of the above, since the petitioner is eligible to be appointed



W.P.No.8958 of 2016

as driver basing on his qualification and that not providing the appointment by the respondent is only on small technical issue of not producing the original driving license and since one post is kept vacant and that respondents have mentioned in the status report that petitioner is eligible to be appointed, this Court is of the opinion that the petitioner deserves the relief sought for.

8. In view of the above, this Writ Petition is disposed of directing the respondents to consider the petitioner's representation and appoint the petitioner for the post of Driver, since one post has been kept vacant as per the impugned order dated 10.03.2016, as quickly as possible not later than eight weeks from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed. No costs.

21.12.2023

vca

Index : Yes/No

Internet : Yes/No

Neutral Citation Case : Yes/No



WEB COPY



W.P.No.8958 of 2016

DR.D.NAGARJUN, J.

vca/jai

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