



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.18737 of 2020
and
W.M.P.No.23273 of 2020

E.Murugesan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Adi Dravidar & Tribal Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director,
Department of Adi Dravidar & Tribal Welfare,
Chepauk,
Chennai - 600 005.
3. The District Collector,
Salem District,
Salem - 636 001.
4. The District Adi Dravidar & Tribal Welfare Officer,
Salem District,
Salem - 636 001.
5. The Special Thasildar (ADW),

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Attur Taluk,
Salem District - 636 102.

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6. C.Balachandran

7. M.Prabhakaran

8. P.Jayavel

9. K.Murugan

10. Tmt.P.Muniyammal

11. Tmt.M.Sumathi

12. P.Kaliyasami

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 to 5 to pass orders on the representation submitted by the petitioner dated 15.07.2019, followed by the last reminder dated 23.10.2020 for cancellation of appointment of respondents 6 to 12 to the post of Cook in Adi Dravidar Welfare Department, Salem District, as per Notification issued by the 3rd respondent in Na.Ka.No.36263/2011/D4 dated 21.10.2015, made in violative of eligibility condition for the post of Cook and consequently direct the respondents to consider the petitioner for selection and appointment to the post of Cook, based on the selection conducted as per Call Letter issued by the 3rd respondent in Na.Ka.No.36263/2011/D4 dated 26.10.2015, within a time frame to be fixed by this Court.



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For Petitioner : Mr.S.Nedunchezhiyan
For Respondents : M/s.C,Meera Arumugam,
For R1 to R5.
R6 to R12 - No appearance.

ORDER

The prayer in this writ petition is to consider and pass orders on the petitioner's representation dated 15.07.2019.

2. The petitioner belongs to scheduled caste. In response to the paper advertisement dated 21.10.2015 calling for applications to fill up 80 vacancies in the post of cook, he submitted his application. According to him, as per the notification, the maximum age limit for schedule caste candidates is 35 years and those who are residents of Salem District alone can apply for the said post.

3. The main grievance of the petitioner is that he was not selected to the post of cook, but several ineligible persons who had crossed the age limit and who were not the residents of Salem District had been appointed. In this connection, he submitted a representation dated 23.04.2018 to the third respondent by stating the names of the ineligible individuals who had been



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given appointment as Cook in violation of the eligibility conditions prescribed in the notification. Finding no response to his representation, he filed W.P.No.12796 of 2018 seeking consideration of his representation dated 23.04.2018. On 11.04.2019 based on the representation made by the respondents that illegal appointments will not be maintained and suitable actions will be taken to cancel the appointments, this Court disposed of the said writ petition holding that no further consideration is required.

4. However, according to the petitioner pursuant to the aforesaid order passed by this Court, no action has been taken by the respondents 1 to 5 and hence he addressed another representation dated 15.07.2019 which was followed by reminder dated 23.10.2020 for cancellation of illegal appointment. Finding no response to the said representation, the petitioner is constrained to file the present writ petition seeking the aforesaid prayer.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. Considering the limited nature of the relief sought by the petitioner,



this Court directs the third respondent to consider the petitioner's representation dated 15.07.2019, if not considered till date and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

12.07.2023

kmm

Index : Yes/No

Speaking Order : Yes/No

To:

1.The State of Tamil Nadu,

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Adi Dravidar & Tribal Welfare Department,
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5. The Special Thasildar (ADW),
Attur Taluk,
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J.SATHYA NARAYANA PRASAD,J.

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