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W.P.No.24444 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.24444 of 2019

A.Vijaya

.. Petitioner

VS

1.The District Employment Officer,
Collectorate Complex,
Nagapattinam,
Nagapattinam District.

2.The Joint Director of Employment,
Trichy Region,
Trichy.

3.The Director of Employment,
Government of Tamil Nadu,
Secretariat,
Chennai – 600 009.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 3rd respondent in Memo No.1/32790/2016 dated 10.11.2018 and 15.02.2019 and quash the same and further direct the respondents to appoint the petitioner to the post of Sanitary Worker in the 1st respondent's Office.

For Petitioner : Mr.S.Parthasarathy

For Respondents : Mr.T.K.Saravanan
Government Advocate



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ORDER

Writ petition has been filed in the nature of a Certiorarified Mandamus directing the respondents to produce the records relating to an order passed by the 3rd respondent in Memo No.1/32790/2016 dated 10.11.2018 and 15.02.2019 and quash the same and direct the respondents to appoint the petitioner to the post of Sanitary Worker in the office of the 1st respondent / The District Employment Officer, Collectorate Complex, Nagapattinam, Nagapattinam District.

2. The petitioner, who belongs to Scheduled Caste Community, had registered herself with the District Registrar Office, Nagapattinam in No.NPD2000F00005523. The petitioner claims that her Date of Birth is 07.03.1977. She was working in the office of the 1st respondent on temporary basis as Sanitary Worker. She was getting her salary through cheque once in three months. During the year 2016, the 1st respondent called for names from the Employment Exchange to fill up the post of 13 Sanitary workers. The 1st respondent also called the petitioner to appear for interview to be held on 29.02.2016 along with the certificates. The petitioner appeared for the interview and submitted the documents. The petitioner claims that the staffs demanded bribe for appointment.



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She had lodged a complaint with the 2nd respondent. Thereafter, an enquiry had been conducted, but orders were not yet passed. The petitioner was also not given the appointment. The petitioner made representations on 27.09.2016, 22.12.2016, 15.02.2017, 18.05.2017, 15.06.2017, 09.12.2017 and 22.02.2016. The third respondent finally passed orders on 10.11.2018, stating that 47 persons were called for the interview, but the petitioner was not selected for the reason that her Date of Birth varied from what was given in the Birth Certificate, Aadhaar Card and Employment Exchange Card. Alleging malice on the part of the respondents, the writ petition has been filed.

3. A counter affidavit had been filed on behalf of the respondents, denying the allegations of demand of bribe. It had been stated that in the Birth Certificate given by the petitioner, her Date of Birth was given as 07.03.1977. In the Aadhaar Card produced by the petitioner, it was stated that she was born in the year 1970. In the records in the Employment Exchange, her Date of Birth was given as 07.03.1969. Therefore, it had been contended that since the petitioner had given two separate dates and one different year as her Date of Birth, the respondents may not be in a



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position to offer her employment. It is contended that the petitioner had herself not given the proper and correct details with a basic information, namely, about her Date of Birth.

4. The learned counsel for the petitioner raised objections to the said stand in the impugned order and also in the counter affidavit. This Court, had, therefore directed the original records as available in the office of the respondents to be produced. Copies are produced before this Court. It is seen from the original records in the Employment Exchange with respect to Registration No.W/5523/2000, B.Vijaya, W/oAyyanar, Municipality Colony, Velipalayam, Nagapattinam, belonging to Scheduled Caste category, the Date of Birth is 07.03.1969. Though in the petition, the petitioner had given her initial as A, the name of her husband and the address are the same. It is clarified on behalf of the respondents that the father's name of the petitioner is Balu.

5. With respect to the Aadhaar copy of which has also produced before this Court, the year of birth had been given as 1970 and the petitioner had been given the name Vijaya Ayyanar, Father's name-Balu and the address had been given at 81,



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Munisibal Patti, Velippalaiyam, Nagapattinam.

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6. The Birth Certificate had been enclosed by the petitioner herself in the typed set of papers and it is seen from a perusal thereof that her Date of Birth is given as 07.03.1977.

7. Thus, there are two separate dates and one separate year given as her Date of Birth in the documents. There is a discrepancy, which the petitioner alone can explain.

8. The petitioner has also produced her Identity Card of the District Employment Office at Nagapattinam, giving the Date of Birth as 07.03.1977, but this date varies from the original records. The petitioner had also produced an Aadhaar Card as a document filed along with the writ petition and in that, again her Date of Birth is given as 07.03.1977, but in the Aadhaar Card as produced by the respondents, which obviously the petitioner should have given as a copy, the year of birth is given as 1970. The other details relating to her name of her husband and father and the particulars are not denied or disputed by the petitioner herein.



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9. It is thus seen that the petitioner had given a different set of documents before the respondents and a different set of documents have been produced before the Court. In view of this particular fact, owing to discrepancies in the year of birth and Date of Birth of the petitioner, it is only natural that the respondents have raised a doubt and had not considered and not provided employment. The allegation of bribe, therefore, cannot also be true since the fault lies on the petitioner, giving different details on a very fundamental information, namely, her Date of Birth.

10. In view of these facts, the writ petition stands dismissed.

No costs.

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Index:Yes/No

Neutral Citation:Yes/No

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To

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C.V.KARTHIKEYAN, J.

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