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W.P.No.34261 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.34261 of 2023

D.Sridhar

.. Petitioner

VS

- 1.The Additional Chief Secretary,
Government of Tamil nadu
The Secretariat,
Fort St.George,
Chennai- 600 001.
- 2.The Secretary,
Department of BC, MBC & Minorities
Welfare, Fort St.George,
Chennai - 600 001.
- 3.The Commisioner,
Directorate of Backward Classes Welfare,
Chepauk, Chennai- 600 005.
- 4.Mr.Kali Poongundran

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing respondents 1 to 3 herein to consider representation dated 19.09.2023 and further direct the respondent nos. 1 to 3 to present the award to an eligible applicant out of the 24 applications already submitted for the year 2022.

For Petitioner : Mr.A.L.Franc Paul Asirvadam

For Respondents : Mr.KMD Muhilan, AGP
for R1 to R3



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ORDER

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The petitioner claims to be an individual who is entitled to the grant of the Thanthai Periyar Award for Social Justice (in short, 'Award') and had applied for the same in the year 2022 along with 23 other applicants. In the writ affidavit he has set out in detail his claim for the award on the basis of various charitable and social endeavors undertaken by him (see paragraphs 3 & 4).

2. He has sought a mandamus directing the official respondents, being the Additional Chief Secretary, Government of Tamil Nadu, Secretary to Department of BC, MBC & Minorities Welfare and the Commissioner, Directorate of Backward Classes welfare being R1 to R3 to consider his representation filed on 19.09.2023 and direct them to present the Award to an eligible candidate out of the 24 applications submitted.

3. Mr.KMD Muhilan, learned Additional Government Pleader, appears for respondents 1 to 3 and is in possession of requisite instructions to enable final disposal of this matter now.

4. At the outset, this writ petition is in the nature of a public interest litigation as the petitioner's prayer urges this Court to



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direct the respondents to present the award to an eligible applicant out of 24 applications. This Court is not in a position, and it is not appropriate for the Court, to assimilate or assess the quality and worthiness of the applicants to the Award.

5. That apart, it is the petitioner's case that R4, who has in fact been the recipient of the Award for the year 2022 is not an eligible candidate as, (i) R4 is a leader in the Dravidar Kazhagam and influential in the field of politics (ii) R4 belongs to Telugu Isai Vellalar Community and (iii) R4 has not filed an application for the Award.

6. Adverting to the last objection first, learned AGP has placed on record application dated 25.10.2022 received from R4 on the same date. This would allay the apprehension / allegation to the effect that R4 has not applied for the Award at all.

7. As regards his political affiliation and other allegations on the merit or otherwise of R4, to receive the Award, that is a matter of discretion of the State which has instituted the Award, in which this Court will not normally intervene. If at all the petitioner believed that the selection of R4 as the awardee is perverse or



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based on irrelevant and inappropriate considerations, it was him to have challenged the Government Order under which R4 was selected as the recipient whereas he has only sought a mandamus, which cannot be granted.

8. It is to be noted that the Award has been presented to R4 in a public function on 14.01.2023. The petitioner is well aware of the same as he has made a reference to the presentation of the award to R4 by the Hon'ble Chief Minister at paragraph 11 of the writ affidavit. Hence this writ petition is also hit by laches.

9. In light of the aforesaid discussion, this Court finds no avenue to intervene and hence rejects the prayer for mandamus, as sought.

10. Writ petition stands dismissed in terms of this order. No costs.

11.12.2023

Index:Yes/No
Neutral Citation:Yes
ssm



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DR. ANITA SUMANTH,J.

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