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W.P.No.3866 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No. 3866 of 2017

V.Ravindra Babu

... Petitioner

Versus

1.The Dean

Govt.Stanley Medical College,
Chennai-1.

2.The Deputy Superintendent,

Govt.Stanley Medical College,
Chennai-1

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, directing the 1st respondent to promote the petitioner to the post of Record Clerk with retrospective effect with all consequential benefits from the year 2012 within a stipulated time.

For Petitioner

: Mrs.S.Sriranjini
for M/S.M.R.Sakunthala

For Respondents

: Mr.M.Shahjahan
Special Government Pleader



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ORDER

This writ petition has been filed seeking issuance of a writ of mandamus to direct the 1st respondent to promote the petitioner to the post of Record Clerk with retrospective effect, with all consequential benefits from the year 2012, within a stipulated time.

2. The brief facts as set out by the writ petitioner in the affidavit filed in support of the writ petition are that he was appointed in the regular post of sweeper on 13.02.1995. He completed his probation period on 12.02.1996. The petitioner also completed his Secondary School Certificate Examination and pre-degree examination in Oriental learning (Sanskrit). Besides, he has also completed certificate course in written Tamil on 31.05.2011 from the University of Madras. The petitioner has also obtained B.A degree in English from the University of Madras on December 2013. The 2nd respondent in Na.Ka.No.8395/Ne.1/2/2012 dated 06.09.2012 directed the petitioner to appear before the 2nd respondent in connection with the selection to the post of Record Clerk. It is the specific case of the petitioner that he was declared qualified in the trade test but however, no communication was issued to the



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petitioner. Subsequently, the 1st respondent issued a seniority list of Basic Workers on 25.05.2013 for the year 2013-2014 and the petitioner's name was placed in 2nd position. Again when the 1st respondent called for applications for filling up the post of Record Clerk from basic workers, the petitioner once again submitted his application. However, no action has been taken on his application and therefore, the petitioner has approached this Court seeking issuance of a writ of Mandamus.

3. The respondents have filed a counter and the only objection taken by the respondents is that the petitioner's alleged application dated 27.07.2015 has not been received by the respondents through proper channel or directly also and on this limited ground, the respondents seek dismissal of the writ petition.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

5. During the course of the arguments, the learned counsel for the petitioner has relied upon the circular issued by the 1st respondent in Na.Ka.No.6267/Ni4/2017 dated 31.05.2017. The said circular has been issued to the Head of Departments and it is seen that in respect of the



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petitioner, the concerned HOD was required to give necessary certificates along with the application. It is also seen that the 1st respondent has called for conduct and employment certificates. Reading of the said communication would clearly show that the 1st respondent has called for documents excepting application and employment certificate. The writ petitioner's name is found at Sl.No.1.

6. In view of the above, unless there was an application made by the writ petitioner and two other persons mentioned in the said communication, the 1st respondent would have had no occasion to issue the said communication on 31.05.2017. The version of the writ petitioner that he gave his application in person on 27.07.2015 is therefore true.

7. However, the admitted fact is that no further steps have been taken pursuant to the representation of the petitioner dated 27.07.2015 and also the circular issued by the 1st respondent on 31.05.2017. It is also seen that in 2018, the 1st respondent issued appointment orders for the post of Record Clerk in which five candidates have been short listed and appointed. The petitioner's name does not find a place.



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8. Considering the facts and circumstances of the case narrated and discussed herein above and the petitioner's application dated 27.07.2015 having not been acted upon, the petitioner shall make a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and the respondents shall consider the same on merits and in accordance with law and give preference to the writ petitioner as and when a vacancy arises for the post of Record Clerk.

9. With the above directions, this writ petition is disposed of. No costs.

Index : Yes / No

Internet: Yes

Speaking/non speaking order
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To

1.The Dean

Govt.Stanley Medical College,
Chennai-1.

2.The Deputy Superintendent,

Govt.Stanley Medical College,
Chennai-1



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P.B.BALAJI, J.,

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