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W.P.(MD)NO.8406 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8406 of 2023

Vinodkumar

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Revenue Divisional Officer,
Ramanathapuram.
3. The Deputy Director,
Professional and Executive Employment,
Branch Officer,
K.Pudur, Madurai -7.
4. The District Employment Officer,
District Employment Office,
Sivagangai,
Sivagangai District.
5. The Tahsildar,
Taluk Office,
Thiruvadanai Taluk,
Ramanathapuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent dated



29/07/2022 made in O.Mu.(A10)/6499/2022 and quash the same and consequently, directing the 4th respondent herein to enter the petitioner's name in its employment register under Priority Category.

For Petitioner : Mr.R.Sundar Srinivasan

For Respondents : Mr.T.Villavan Kothai,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The case of the petitioner is that his father had gifted 16 cents of land for constructing a Primary Health Center and considering the same, the petitioner was accorded priority category on the rolls of the fourth respondent / District Employment Office in the year 2011. Subsequently, the petitioner was called upon to obtain genuineness certificate from the second respondent. When the petitioner approached the second respondent, the impugned order came to be passed rejecting his request. The learned counsel relied on the order dated **22.09.2016** in ***W.P. (MD)No.18131 of 2016 (N.Rajeshwari V. The District Collector,***



Ramanathapuram District and Others) in support of his contention that the priority certificate must be given in respect of those families who have donated lands even if the lands have not been acquired from them.

3. The respondents have filed counter affidavit and the learned Additional Government Pleader took me through its contents.

4. I carefully considered the rival contentions and went through the materials on record.

5. No doubt, the order dated **22.09.2016 made in W.P.(MD) No.18131 of 2016 (N.Rajeshwari V. The District Collector, Ramanathapuram District and Others)** relied on by the learned counsel appearing for the petitioner squarely favours his argument. But I am not in a position to interfere because the said order does not make any reference to **G.O.Ms.No.188 Personnel and Administrative Reforms (Personnel-P) Department dated 28.12.1976**. The operative portion of the said Government Order is as follows:-



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“ PRIORITY FOR EMPLOYMENT THROUGH

EMPLOYMENT EXCHANGES:

Group II:

i) ...

ii) ...

iii) ...

iv) ...

v) Members of family including members of Scheduled Castes / Scheduled Tribe, whose lands have been acquired for Government purposes as well as for the project of the Public Sector Undertakings subject to the condition that preference should be given to those who are dependent for their livelihoods primarily or wholly on the lands acquired and from among them to members of the Scheduled Castes and Scheduled Tribes who may be eligible for employment”

6. It is obvious from a reading of the above Government Order that only in the case of those persons whose lands have been acquired and who have been deprived of their livelihood, concession is given by



granting them priority category on the rolls of the Employment Exchange. Where a person is in a position to gift lands, obviously he does not deserve any concession and hence the said Government Order cannot be invoked.

7. In this view of the matter, I am not in a position to interfere with the order impugned in the writ petition. This writ petition stands dismissed. No costs.

05.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Collector,
Ramanathapuram District, Ramanathapuram.
2. The Revenue Divisional Officer,
Ramanathapuram.
3. The Deputy Director,
Professional and Executive Employment,
Branch Officer, K.Pudur, Madurai -7.
4. The District Employment Officer,
District Employment Office,
Sivagangai, Sivagangai District.



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G.R.SWAMINATHAN,J.

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