



W.P(MD)No.16373 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16373 of 2020

and

W.M.P.(MD)Nos.13690 & 13692 of 2020

1.G.Rajan

2.N.Chandran

3.R.Azhagamuthu

4.M.Elavarasan

5.S.Sarasu

6.P.Tamil Selvi

... Petitioners

Vs.

1.Secretary to Government,
Department of Adi Dravidar and Tribal Welfare,
Secretariat, St.George Fort,
Chennai.

2. The Commissioner,
Directorate of Adi Dravidar and Tribal Welfare,
Chepauk, Chennai-600 005.

3.The District Collector,
Tiruchirappalli District,



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Tiruchirappalli.

4. The District Adi Dravidar and Tribal Welfare Officer,
Collectorate Campus, Trichy,
Trichirappalli District.

5. The Assistant Director,
District Employment Officer,
Tiruchirappalli-1.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the fourth respondent vide Na.Ka.No.W4/4932/2014, dated 27.07.2020 and the consequential Impugned Recruitment Proceeding/Advertisement issued by the third respondent vide செ.வெ.எண்/63/செப்டம்பர்/2020 நாள் 19.08.2020 and quash the same and consequently, directing the respondents to appoint the petitioners as cook in the Hostels and Institutions run by the Adi Dravidar and Tribal Welfare Department within Tiruchirappalli District.

For Petitioners : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.R.Baskaran
Additional Advocate General
assisted by Mr.G.Suriyananth
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the petitioners and the learned Additional Advocate General assisted by learned Additional Government Pleader appearing for the respondents.



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2. The petitioners herein are aspirants for the post of Cook in the hostels run by Adi Dravidar and Tribal Welfare Department, Trichy District. They were unsuccessful in the selection process held before 2015. They filed writ petitions before this Court. Vide order dated 14.07.2015 in W.P.(MD)Nos.5825 to 5839 of 2015, the following direction was given:-

5. Taking note of the submission of the learned counsel for the petitioners and the respondents, this Court directs the respondents to consider the case of the petitioners in these writ petitions, when there is an advertisement for the post of cook, in the Hostel run by the Adi Dravidar and Tribal Welfare Department, Trichy District and also taking into consideration of the Judgment of this Court, dated 19.04.2011 in W.P.No.6182 of 2011, together with this order dated 20.02.2012, issued to similarly placed persons and in case, the petitioners are similarly placed, preference will be given to the petitioners, if they fulfilled all the conditions required for appointment, however, granting exemption from age relaxation.

3. The above direction is clear and categorical. The department was directed to give age relaxation for the petitioners. However, in the subsequent recruitment process also, the petitioners were non-suited on the ground of age bar. The impugned order reads that since the vacancies have been filled up and the petitioners have also crossed the maximum age, they cannot be appointed as cook. The order impugned is clearly running counter to the direction given by this Court.



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4. In this view of the matter, the order impugned in the writ petition is set aside. If there are any vacancies presently available, the petitioners will be considered for being appointed to the said post. I make it clear that if the respondents once again cite the age as bar, they will have to necessarily face contempt proceedings. The case of the petitioners will have to be considered on merits and an appropriate decision has to be taken. If there are no vacancies presently available, they will be considered against the vacancies that arise immediately in the future. As and when such vacancies arise, the petitioner will be notified by the respondents. In other words, the direction given by the learned Judge of this Court in W.P.(MD)Nos.5825 to 5839 of 2015 shall be adhered to as and when such vacancies arise.

5. The Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

28.03.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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