



W.P.(MD).No.16605 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16605 of 2023

M.Uthayasuraiyan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Kilpauk,
Chennai-600 010.

2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Madurai Region,
Kuruvikaran Salai,
Anna Nagar, Madurai-625 020.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing respondents to appoint the petitioner for the post of seasonal clerk for the KMS period of 2022-2023 by considering the petitioner's representation, dated 02.05.2023.

For Petitioner : Mr.M.Sankar

For Respondents : Mr.Badurus Zaman
Standing Counsel



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ORDER

The present writ petition has been filed seeking direction to the respondents to appoint the petitioner for the post of seasonal clerk for the KMS period of 2022-2023 by considering the petitioner's representation, dated 02.05.2023.

2. The petitioner was appointed as a Seasonal Clerk by the 2nd respondent on 01.02.2012. He was appointed for the said post during the time of procurement of paddy. After the completion of procurement of paddy process, the petitioner was relieved from service on condition that the service rendered by the petitioner from 2012-2021 at the office of the 2nd respondent will be taken into consideration. During the period of Khariff Marketing Season (hereinafter referred as KMS) 2021, the petitioner was appointed as Seasonal Clerk at Kovilankulam Direct Procurement Centre (hereinafter referred as DPC) I & II as per the proceedings of the 2nd respondent, dated 28.05.2021. After the procurement of paddy from all the DPC centres, the petitioner was issued with a show cause notice by the 2nd respondent on 19.07.2021 with regard to the procurement of the paddy from Thidiyan Direct Procurement Centre.



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3. With respect to the said issue, the Inspector of Police, Food Cell, registered a case in Crime No.104 of 2021 under various Sections and later, the petitioner got anticipatory bail by the Principal Sessions Judge at Madurai. After the completion of procurement process of paddy from DPC centre for the KMS period of 2021-2022, the petitioner was not given with an opportunity to serve as Seasonal Clerk for the KMS period of 2022-2023. Even though the petitioner submitted his explanation for the said show cause notice, which was issued by the 2nd respondent, he was not given with a job of Seasonal Clerk at the office of the 2nd respondent. Hence, the petitioner had sent a representation to the 1st respondent on 02.05.2023 by requesting him to make arrangement to appoint the petitioner to the post of Seasonal Clerk for the KMS period of 2022-2023. Despite the receipt of the representation, the same was not considered. Hence, this writ petition came to be filed.

4. Heard Mr.M.Sankar, learned counsel for the petitioner and Mr.Badurus Zaman, learned standing counsel for the respondents.

5. The learned standing counsel for the respondents drew my attention to Clause 45 of Tamil Nadu Paddy Procurement Guide for KMS 2022-2023 wherein it has been categorically mandated that in case of any irregularities committed by the Seasonal Clerk is found out by the 2nd respondent, they are



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entitled to be relieved from the service of Seasonal Clerk with immediate effect and moreover, he also brought to the notice of this Court that the appointment of the petitioner as a Seasonal Clerk is fully a temporary appointment and hence, he cannot claim reappointment as a matter of right and in view of the allegation which has emerged and in view of the registration of the F.I.R, the 2nd respondent certainly has a right to reject the representation made by the petitioner. However, the learned standing counsel also drew my attention to the representation which has been sent by the petitioner, which is dated 02.05.2023. However, the postal receipts of the same enclosed along with the type set of papers reveal that the said representation was registered on 03.01.2023. This itself will prove that the petitioner did not approach this Court with clean hands.

6. In view of the same, this Writ Petition stands dismissed. No costs.

11.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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L.VICTORIA GOWRI, J.

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