



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.13814 of 2010
and
M.P.Nos.1 and 2 of 2010

S.Pushparaj

... Petitioner

Vs.

1. The Secretary, Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Joint Director of Collegiate Education,
No.577, Anna Salai, IASE Campus,
Saidapet, Chennai - 600 015.
3. The Secretary,
Madras School of Social Work,
No.39, Casa Major Road,
Egmore, Chennai - 600 008.
4. Mr.M.Suresh Babu

... 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 proceedings of selection committee for filling the post of record clerk dated 26.10.2009 issued by the 3rd respondent and quash the same and



further direct the 2nd and 3rd respondent to appoint the petitioner as record clerk in the place of the 4th respondent.

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For Petitioner : Mr.H.Mohamed Ghouse

For R1 & R2 : Mr.C.Jayaprakash,
Government Advocate

For R3 : Mr.C.Manohar Gupta

ORDER

The present writ petition has been filed seeking a writ of certiorarified mandamus, calling for the proceedings of the selection committee for filling up the post of 'Record Clerk', dated 26.10.2009, whereby the Respondent No.4 herein was recommended for appointment and the petitioner herein was shown as a standby.

2. The Respondent No.4 was appointed as 'Record Clerk' by an order dated 27.10.2009 and thereafter, the said appointment of the Respondent No.4 against the aided vacancy of the 'Record Clerk' was approved by the Respondent No.2 through proceedings dated 04.08.2010. Accordingly, the Respondent No.4 has been working as 'Record Clerk' in the Respondent No.3 School, since the year 2009 onwards. It was at that stage, the petitioner approached this court by filing the present writ petition in the month of July' 2010, challenging the selection proceedings, without challenging either the



order of appointment of the Respondent No.4 or the proceedings issued by the Respondent No.2, approving the appointment of the Respondent No.4 as 'Record Clerk'.

3. The learned counsel for the petitioner contended that the Respondent No.4, by the date of appointment as 'Record Clerk' in the Respondent No.3/ School, has been working in a private organization and without submitting a resignation and proper relief, the Respondent No.4 joined in the Respondent No.3/ School, contrary to the Rules. However, the learned counsel for the petitioner failed to brought to the notice of this Court about any Rule, which mandates the resignation/ relief from the private company before joining the Respondent No.3/ School. However, placed reliance on certain information, said to have been furnished by the Respondent No.2 under the Right to Information Act, 2005. This Court, having perused the same, is not inclined to agree with the submissions made by the learned counsel for the petitioner for the simple reason that the information, said to have been furnished under the Right to Information Act, 2005, by the Respondent No.2, only appears to be an opinion and there is no reference to any specific provision of law, which mandates such resignation and relief. Except making a vague allegation such as, including the name of the Respondent No.4 as the first candidate in the list



of candidates for being considered for selection to the 'Record Clerk' etc., there is no substantial allegation that is made either in the affidavit or during the course of arguments, warranting a detailed examination by this court. In the circumstances, this court does not find any merit in the writ petition, especially in the context of the fact that there is no challenge to the order of appointment dated 27.10.2009 and the consequential approval of such appointment granted by the Respondent No.2 through proceedings dated 04.08.2000.

4. In the circumstances, the writ petition is dismissed. There shall be no order as to costs. Connected miscellaneous petitions, if any shall stand closed.

21.10.2024

skr
Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No

To



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