



WEB COPY



W.P.No.6277 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.6277 of 2021 and
W.M.P.No.6888 of 2021

E.Elaiyaraja

...Petitioner

Vs.

1.The Commissioner
Adi-Dravidar Welfare Office
Chepauk, Chennai-600 005.

2.The District Adi-Dravidar
Welfare Officer
O/o.Collectorate
Tiruvannamalai District

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to strictly follow with the provisions of G.O.Ms.No.188 dated 28.12.1976 Personnel and Administrative Reforms (Per.P) Department and to pass appropriate order by giving appointment to the petitioner based on the relevant documents already furnished at the time of interview dated 19.01.2021.

For Petitioner

: Mr.V.Pauldas

for M/s.A.Saranya

For Respondents

:Mr.M.Murali

Government Advocate



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ORDER

In reference to the Advertisement dated 23.11.2020 issued by the 2nd respondent for filling up the post of Cook, the petitioner submitted an application and accordingly, the petitioner was called for interview through proceedings in Na.Ka.No.K2/32009/2020 dated 19.01.2021 and the petitioner attended the interview on 01.02.2021. Thereafter, there was no communication to the petitioner. Therefore, the petitioner approached this Court by filing the present writ petition claiming the benefit of priority under G.O.Ms.No.188, (Personnel and Administrative Reforms(Per.P) Department dated 28.12.1976 on the ground that the grandfather of the petitioner gifted certain land in favour of the Government. The learned counsel for the petitioner contended that the 1st respondent herein, through proceedings in Na.Ka.No.Su.Na.P2/021366/2018 dated 10.07.2020, directed the 2nd respondent to consider the case of the petitioner under priority category, but the 2nd respondent has not taken into consideration the said proceedings dated 10.07.2020 issued by the 1st respondent and nothing was communicated to the petitioner. Hence, the petitioner approached this Court seeking a Writ of Mandamus to direct the respondents



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herein to strictly follow the provisions of G.O.Ms.No.188 dated 28.12.1976 and to appoint the petitioner as Cook pursuant to the interview dated 19.01.2021 .

2. The respondents filed counter affidavit contending that all the posts that were notified under Advertisement dated 23.11.2020 were filled up and there was no vacancy available for considering the case of the petitioner. It is further contended that the priority claimed by the petitioner was not enrolled in the concerned Employment Exchange. Therefore, the question of considering the claim of the petitioner under priority category does not arise.

3. In the light of the above, considering the fact that all the notified vacancies under advertisement in question were already filled up and none of the selected candidates has resigned, this Court cannot issue any positive direction to the respondents to consider the claim of the petitioner for being appointed to the post of Cook notified under Advertisement dated 23.11.2020 issued by the 2nd respondent. Taking into consideration the proceedings in Na.Ka.No.Su.Na.P2/021366/2018 dated 10.07.2020 issued by the 1st respondent, this Court is of the considered view that the 2nd respondent ought to have passed



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appropriate orders and communicated the same to the petitioner but no such communication was made to the petitioner. Even in the counter affidavit, nothing is stated about the action taken by the 2nd respondent pursuant to the proceedings dated 10.07.2020 issued by the 1st respondent.

4. In the light of the above, this writ petition is disposed of by permitting the petitioner to submit a representation to the 2nd respondent within a period of four weeks from the date of receipt of copy of this order and on such submission of representation, the 2nd respondent shall consider the same, by duly taking into consideration the proceedings dated 10.07.2020 issued by the 1st respondent, for being appointed to the post of Cook in any of the existing vacancy or future vacancies in accordance with law. Consequently, the connected miscellaneous petition is closed. No costs.

23.07.2024

Index : Yes/No
Neutral Citation : Yes/No
nr



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