



W.P.No.31164 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.31164 of 2012

K. Annamalai

...Petitioner

-Vs-

1. The Commissioner,
Adi Dravidar and Tribal Welfare Department,
Chepauk,
Chennai – 600 005.
2. The District Collector,
Villupuram District,
Villupuram.
3. The District Adi Dravidar and Tribal
Welfare Officer,
Villupuram District,
Villupuram.
4. K. Elangovan
5. Jothi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, to call for the records relating to the order of appointment issued in favour of the fifth respondent as per the proceeding issued by the third respondent in (M1)/16422/2011 dated 30.07.2012 and quash the same and consequently direct the respondents to appoint the petitioner to the post of



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Cook in regular time scale of pay on par with his juniors with reference to Employment Exchange Seniority within the time frame to be fixed by this Court.

For Petitioner : Mr. S.Nedunchezhiyan
For R1 & R3 : Mr. M.Rajendrian
Additional Government Pleader
For R4 & R5 : No appearance

ORDER

This writ petition is filed seeking for Certiorarified Mandamus, to quash the proceeding in (M1)/16422/2011 dated 30.07.2012 issued by the third respondent in favour of the fifth respondent and also to direct the respondents to appoint the petitioner to the post of Cook in regular time scale of pay on par with his juniors with reference to Employment Exchange Seniority within the time frame to be fixed by this Court.

2. The learned Counsel for the petitioner submitted that the petitioner hailing from very poor family and belongs to ST Community. The petitioner has undergone school education and studied up to SSLC. Thereafter the petitioner registered his name in the District Employment office on 11.02.1997. The petitioner renewed his registration in the employment exchange periodically till date.



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3. The learned counsel for the petitioner would further submit that the post of Cook/Sweeper and other services in Adi Dravidar and Tribal Welfare Department are governed by Tamil Nadu Adi Dravidar and Tribal Welfare Subordinate Services with regard to selection and appointment to the posts within Adi Dravidar and Tribal Welfare Department. The State Government issued order in G.O.Ms.No. 21 Adi Dravidar and Tribal Welfare Department dated 16.03.2000 framing guidelines for filling up 19 posts as enumerated in the G.O. As per the G.O, all the posts stated therein including the post of cook and Sweeper ought to be filled up by way of Direct Recruitment through Employment Exchange. It is further ordered that the post comes within ADW Department would be filled up by calling list of eligible person by employment exchange by giving preference to the candidates belongs to SC/ST Category. Therefore, the 19 categories of post stated in the G.O. ought to be filled up only with candidates belongs to SC/ST Community on preferential basis. The fourth respondent/appointing Authority called for list of eligible candidates from the District Employment Exchange, Villupuram to fill up the vacancies to the post of Cook and Sweeper.

4. The petitioner's name has been sponsored by the employment exchange by including in serial No.10 in the list of candidate called under ST



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Category for appointment to the post of Cook. When the petitioner was aspiring for appointment to the post of cook in regular time scale of pay, the petitioner was not issued with any order of appointment by the third respondent. Later the petitioner found that there are several number of person, who are juniors to the petitioner have been appointed.

5. The learned counsel for the petitioner submitted that all the orders of appointment have been issued by handwritten by three persons in three places in the same order and several orders are not in complete shape with several blanks in it. That apart there are serious discrepancies in different area and there are over writing, deletion, interpolations and changing of name and places, which has made abundantly clear that the entire process of selection and appointment would be highly suspicious and carried out with all sorts of malpractice

6. The learned Additional Government Pleader appearing for the first to third respondent submitted that since the writ petition pertains to the year 2012, this Court may direct the petitioner to give a representation to the District Collector, Villupuram District, Villupuram/Second respondent within a period of two weeks.

7. In view of the submission made by the learned counsel on either side, the petitioner is directed to give a representation to the District



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Collector, Villupuram District, Villupuram/Second respondent within a period of two weeks from the date of receipt of a copy of this order.

8. On receipt of the above said representation, the District Collector, Villupuram District, Villupuram is directed to consider the same and pass appropriate orders on merits and in accordance with law within a period of six weeks thereof. **While considering the case of the petitioner, the District Collector shall also take into consideration that as per the Employment Exchange registration, the petitioner is the senior among the persons, who attended the interview, which was held on 19.04.2012 conducted by the third respondent, belongs to Schedule Tribe Community and the age of the petitioner at the time of filing of the writ petition or at the time of notification in the year 2012 was 35 years and as on date he is 47 years old.**

9. In regard to the age limit, as per the Government order, the candidates should not exceed 45 years (i.e) 40 years in the case of general category and **45 years in the case of SC/ST category. In the instant case, the age of the petitioner is 47 years which exceeds the age limit prescribed by the Government Order for the Schedule Tribe Community. However, the second respondent/District Collector may grant age relaxation to the petitioner since he belongs to Schedule Tribe**



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Community/Category.

WEB COPY10. The Writ petition is disposed of with the above observations and directions. No costs.

13.03.2024

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Index: Yes/No

Speaking Order : Yes/No

Neutral case citation: Yes/No

To

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