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W.P.No.11420 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11420 of 2024

S.Selvaraju

.. Petitioner

Versus

1. The Collector,
Salem District,
Salem - 01.04.2024
2. The Deputy Director,
District Employment Office,
Salem District,
Salem - 08.
3. The District Backward Classes and
Minorities Welfare Officer,
No.110, Collectorate,
Salem - 01.
4. The Director,
Directorate of Vigilance and Anti-Corruption,
293, M.K.N. Road, Alandhur,
Chennai - 16.
5. K.Manivannan .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the respondents 1 to 4 to pass orders on the representation of the petitioner, dated 16.03.2024 and 01.04.2024 and to take departmental action against the 5th respondent.



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For Petitioner : Mr.S.Selvaraju

For Respondents : Mr.C.Jayaprakash,
Government Advocate,
for RR-1 to 4

ORDER

This Writ Petition is filed for a direction to the respondents to pass orders on the representations of the petitioner, dated 16.03.2024 and 01.04.2024 to take departmental action against the fifth respondent.

2. On a perusal of the representations of the petitioner, it can be seen that when the petitioner as well as the fifth respondent competed for the same post, the petitioner contends that the petitioner ought to have selected, but, the fifth respondent was wrongly selected. Subsequently, the petitioner filed a Writ Petition in W.P.No.20402 of 2011 and this Court considered the case of the petitioner. The petitioner was not selected merely because he was a practicing Advocate. This Court had categorically held that if the petitioner is a practicing Advocate, he can still get selected and by giving suspension to his practice, he can join the post. Accordingly, an order was passed on 23.11.2011.



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3. Pursuant to the said order, an offer of appointment was also made on 22.03.2012 and the petitioner has joined the post and is working as on that date. Now, the grievance of the petitioner seems to be that if the fifth respondent was not wrongly selected, he would have been selected in the year 2011 itself and therefore, he is losing one year of seniority, service etc.

4. When the mode of recruitment is by way of direct recruitment, the petitioner cannot claim seniority, service etc., from the initial date i.e., from the year 2011. The petitioner will be entitled to all the benefits only from the date of his appointment. Be that as it may, when the fifth respondent's selection was not set aside by this Court and when he is working, no action can be taken against the fifth respondent at this point of time. The grievances made by the petitioner in the representations are not legally sustainable grievances and therefore, no direction can be granted by this Court to consider the said representations.

5. Accordingly, finding no merits, this Writ Petition is dismissed. There shall be no order as to costs.

23.04.2024



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Index : yes

Speaking order

Neutral Citation : no
grs

To

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D.BHARATHA CHAKRAVARTHY, J.

grs

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