



W.P.No.6538 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 28.10.2024

CORAM:

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.6538 of 2016

and W.M.P.No.5814 of 2016

1.A.Jayanthi

2.P.Usharani

3.K.Arumugam

4.P.Krishnamoorthi

5.M.Murthi

6.V.Kasirajan

7.S.Ramesh

8.S.Suresh

9.V.Senthilkumar

10.A.Perumal

11.G.Senthil

12.K.A.Bhuvaneswari

..Petitioners

(Writ petition in respect of the 1st,
2nd and 5th petitioners stands
dismissed as withdrawn as per
order dated 01.04.2016 by T.R.J
in W.P.No.6538/2016 and W.M.P. No.5814/2016)

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W.P.No.6538 of 2016

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St.George,
Chennai -600 009.

2. The Director of Adi Dravidar Welfare,
Chepauk,
Chennai - 600 005

3.The District Collector,
Salem District,
Salem.

4.The District Adi Dravidar and Tribal Welfare Officer,
Salem District,
Salem.

5.M.Kannan

6.D.Jayachitra

7.D.Suresh

8.A.Mani

9.A.Senthilkumar

10.M.Prabakaran

11.J.Ponnaiyan

12.C.Pandiyaraja

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13.P.Thirulogasundar

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the selection on appointment made by respondents 3 and 4 for the post of Cooks in Adi Dravidar Welfare Department Hostels and Schools under the control of 4th respondent in pursuant to Notification through paper advertisement issued in Daily Thanthi News Paper dated 21.10.2015 as arbitrary, illegal and unconstitutional.

For Petitioners : Mr.G.Murugan
for Mr.S.Nedunchezhiyan
For Respondents : Mr.R.Kumaravel for R1 to R3
Additional Government Pleader
Mr.E.Kannadasan for R4
Mr.R.Nalliappan for R5
Ms.R.Thulasi for R11
Ms.M.Srividhya for R9 and R10
No appearance for R6,7,8,12 and 13

ORDER

This Writ petition has been filed to declare that the selection and appointment made by respondents 3 and 4 for the post of Cooks in Adi Dravidar Welfare Department Hostels and Schools under the control of 4th respondent in pursuant to Notification through paper advertisement issued in Daily Thanthi News Paper dated 21.10.2015 as arbitrary, illegal and unconstitutional.



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2. Learned counsel for the petitioners submitted that the very same issue came up before this Court in W.P.No.4651 of 2016 and this Court vide order dated 22.07.2024 allowed the writ petition. Therefore, prayer in the present writ petition is covered by the aforesaid judgment of this Court.

3.Learned Additional Government Pleader appearing for the respondents did not dispute the submission made by the learned counsel for the petitioner. He further submitted that in respect of the 1st, 2nd and 5th petitioners, the writ petition stood dismissed as withdrawn as per order dated 01.04.2016 in W.M.P. No.5814/2016 in W.P.No.6538/2016 and so the relief, if any, will not accrue to the 1st, 2nd and 5th petitioners.

4. I have given my anxious consideration to the submission of the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.



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5.This Court vide order dated 22.07.2024 in W.P.No.4651 of 2016 in the case of *M.Sadasivam vs. The State of Tamil Nadu, Adi Dravidar and Tribal Welfare Department* has held as follows:

"16. The petitioners belonged to the Backward class / Most Backward Class who are also entitled to reservation under the aforesaid Act to an extent of 30% and 20% respectively. The respondents have totally ignored the provisions of the Act and has chosen to follow Government Order of the year 1986 which has been superseded by the Act. Further, even this Government Order only states that preference has to be given to SC / ST candidates and does not state that only candidates belonging to SC / ST community should be considered.

17. Therefore, in the light of the above, the Writ Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

No costs.



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6. As the issue involved in this writ petition is directly covered

by the aforesaid judgment of this Court, this Writ Petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

28.10.2024

msv

Index: Yes/No

Internet: Yes/No

Speaking order: Non-speaking order

To

1. The Secretary to Government,
State of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Director of Adi Dravidar Welfare,
Chepauk,
Chennai - 600 005

3. The District Collector,
Salem District,
Salem.

4. The District Adi Dravidar and Tribal Welfare Officer,
Salem District,
Salem.



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N.MALA.J.,

Msv

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and W.M.P.No.5814 of 2016**

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