



WEB COPY



WP.No.27006 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.27006 of 2021

and

WMP.Nos.28449 & 28451 of 2021

K.Madhesh

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Petitioner

Vs.

1. The Commissioner,
Department Adi Dravidar and Tribal Welfare,
Chepauk, Chennai 600 005.
2. The Director, Directorate of Tribal Welfare,
Chepauk, Chennai 600 005.
- 3 The District Adi Dravidar Welfare Officer,
Dharmapuri District, Dharmapuri.
4. The Project Officer,
Tribal Welfare Department,
Dharmapuri District
Dharmapuri..

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 2nd respondent in Na ka Pamay/A1/6891-1/2021 dated 28.06.2021 and the consequential impugned order issued by the 4th



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respondent in Na.ka. Pamay/A1/307/2020 dated 05.07.2021 and to Quash the same and consequently directing the respondents to allow the petitioner to continue to work in the post of Sanitary Worker based on the order of appointment issued by the 4th respondent in Na.Ka.No.Pamay 307/2020/A1 dated 23.02.2021, with all consequential and other attendant benefits.

For Petitioner : Mr.S.Nedunchezhiyan
For Respondents : Mr.S.Arumugham
Government Advocate

ORDER

The petitioner has filed this Writ Petition challenging the impugned order issued by the 2nd respondent in Na ka Pamay/A1/6891-1/2021 dated 28.06.2021 and the consequential impugned order issued by the 4th respondent in Na.ka. Pamay/A1/307/2020 dated 05.07.2021 and to direct the respondents to allow the petitioner to continue to work in the post of Sanitary Worker based on the order of appointment issued by the 4th respondent in Na.Ka.No.Pamay 307/2020/A1 dated 23.02.2021, with all consequential and other attendant benefits.

2. The petitioner, who belongs to the scheduled caste, was appointed to the post of sanitary worker on consolidated pay as per the appointment order dated



23.02.2021. However, the said order was subsequently cancelled on 05.07.2021 by stating that the post for which the petitioner was appointed was on consolidated pay, which is actually reserved for scheduled tribe candidates. The petitioner has got the appointment, without producing the necessary certificate. The petitioner never claimed that he belongs to a scheduled tribe community.

3. Heard, Mr.S.Nedunchezhiyan, learned counsel for the petitioner, Mr.S.Arumugham, learned Government Advocate for the respondents and perused the materials available on record.

4. Mr.S.Nedunchezhiyan, learned counsel for the petitioner submitted that the petitioner did not produce scheduled tribe certificate but he had only produced the scheduled caste certificate and only after scrutinizing the same the appointment was given. Subsequently, the cancellation was made without any previous notice to the petitioner to make his submission.

5. Mr.S.Arumugam, learned counsel for the respondent submitted that the post is reserved only for scheduled tribes and the appointment cannot be given to the candidates who belong to a scheduled caste.

6. Since the mistake is not on the part of the petitioner but on the part of



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the 4th respondent. In such case, the 4th respondent ought to have given an opportunity to the petitioner before cancelling the appointment order. If the post has been reserved only for scheduled tribe candidates, no appointment order ought to have been given to the petitioner. The petitioner did not suppress any facts and in fact, the certificate produced by the petitioner itself would show that he belongs to scheduled caste. The petitioner is at liberty to make any representation to the respondent to consider his reappointment and on receipt of the same, the respondents shall consider whether any rules of relaxation can come to his rescue and pass appropriate orders within a period of four weeks from the date of the copy of this order.

In view of the above, this Writ Petition is **disposed**. No costs. Consequently, the connected miscellaneous petition are closed.

05.02.2024

Index : Yes
Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs



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To

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R.N.MANJULA, J.
jrs

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