



W.A(MD) No.1462 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 02.09.2024

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**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.A(MD) No.1462 of 2018

M. Marimuthu

...Appellant

Vs.

1. The State of Tamil Nadu
Rep. by the Secretary
Personnel and Administrative Reforms(Per.P) Department
Fort St. George, Chennai- 600 009.
2. The District Collector
Karur District,
Karur.
3. The Revenue Divisional Officer
O/o.Revenue Division Office
Karur.
4. The Employment Officer
Karur District, Karur

... Respondents

PRAYER: Writ Appeal filed under clause 15 of Letters Patent Act to set aside orders passed in W.P. No.18484 of 2018 dated 24.08.2018.



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For Petitioner : Mr. P.V.Vetrivel
for Mr.S.Rajasekar

For Respondents : Mr.Ramesh Arumugam
Government Advocate

JUDGMENT

The present Writ Appeal has been filed by the writ petitioner in W.P. No.18484 of 2018, aggrieved by the dismissal of the writ petition by the learned Single Judge by an order dated 24.08.2018

2. In order to facilitate easier understanding the parties would be referred in the same nomenclature as referred in the writ petition.

3. The facts which necessitated the filing of Writ petition is that the lands of the writ petitioner measuring about 3.11 acres in Modakkur Village was acquired by the Special Tahsildhar (Adi Dravidar Welfare), Kulithalai, Karur District during the year 1996- 1997 for public purpose. The writ petitioner belongs to Hindu Arundhadhiyar Community classified as Scheduled Caste. He was a coolie and was unable to



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maintain his family. In the writ petition he stated that an assurance had been held out by the Special Tahsildhar that preference would be given by the Government for employment of his sons in government service. It had been stated that though the petitioner has approached the government for employment for his sons there had been no response and therefore the writ petition has been filed in the nature of a mandamus seeking a direction against the respondents to appoint the sons of the petitioner in suitable posts in the service of the Government. The writ petitioner placed reliance on G.O.Ms.No. 188 issued by the Personnel and Administrative Reforms(Per.P) Department dated 28.12.1976. The learned Single Judge in the course of the order had observed that the Writ petition was the fourth time in which the petitioner had approached this Court and therefore probably owing to frustration over the repeated attempts seeking the same relief had dismissed the writ petition.

4. The learned counsel appearing for the appellant/writ petitioner however would contend that the writ petitioner's land had been acquired and that he belongs to Hindu Arundhadhiyar community/Scheduled caste community and therefore, was of the expectation that his two sons



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would obtain government jobs on priority basis since the family lost their lands and they were left without any alternate. The fact that the lands had been acquired, had been confirmed by the respondents by a report received from the Revenue Divisional Officer, Karur .

5. We place our appreciation for the efforts of Mr. Ramesh Arumugam, learned Government Advocate who had brought to our notice G.O.Ms.No.122, Human Resources (K2) Development dated 02.11.2021. This Government Order has been issued on reappraisal of G.O.Ms.No. 188 issued by Personnel and Administrative Reforms(Per.P) Department which had been relied on by the Writ petitioner and another G.O.Ms.No.398, Department of Personal and Administrative Reforms, dated 13.09.1990. In G.O.Ms. 122, it had been stated that for children who had lost their parents due to Covid, for first generation graduates, for those who have studied education in Tamil medium, priority should be given for them in government departments. Cyclic form of priority was brought in and among other categories in category No.11, it had been provided as follows:

“ Members of the family (including members of



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*Scheduled Caste/Scheduled Tribes) whose lands have been acquired for Government purposes as well as for the projects of the Public Sector undertakings subjects to the condition that preference should be given to those who are dependent for their livelihood primarily or wholly on the lands acquired and from among them, to members of the Scheduled Castes and Scheduled Tribes who may be eligible for employment
Emphasis Supplied”.*

6. The sons of the petitioner fall under such category. The petitioner is a member of Scheduled caste community and his two sons are not employed in government service and their lands have been acquired for public purpose namely construction of houses for Adidraavidar community and therefore at some time in the cyclic turn of reservation they should have got some job in the government provided of course they applied for the same. Further instructions have been forwarded by the learned Government Advocate who stated that the two sons of the petitioner are quite well educated which would make them eligible to get government jobs. The first son namely Senthilan now aged about 42 years had studied D.Ted.,B.A.,B.Ed., and the second son namely Anbarasan, now aged about 40 years had studied B.Sc.,



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(Maths)MCA.,. It is however stated that they were working in private institution. This is only natural since they cannot remain unemployed after having educated themselves, but since their lands have been acquired they have every right to be considered on priority basis if at all they apply for any government job.

7. We, therefore pass the following directions:

a) If the two sons of the petitioner apply for any government job either through TNPSC or any other approved mode including through employment exchange and if they come within the zone of selection and are eligible then they can be considered on priority basis for selection as provided as per G.O.Ms.No.128 referred supra

ii) We are conscious of the fact that the first son is aged 42 years as on date and the second son is aged 40 years as on date. We are informed that for Scheduled Caste Community though the minimum age to be considered for employment is 40 there is a relaxation of 5 years and therefore if the two sons of the petitioner were take up this opportunity at the earliest they can be so considered, provided they do not cross the outer age limit after exemption.



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8. With the above direction, the writ appeal stands disposed of. No costs.

(C.V.K.,J.) (J.S.N.P.,J.)
02.09.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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To

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State of Tamil Nadu
Personnel and Administrative Reforms(Per.P) Department
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