



W.P.(MD)No.16810 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

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- 1.Asaitambi
- 2.Murugeswari
- 3.Velammal
- 4.C.Manimaran
- 5.M.Gandhimathi
- 6.R.Parthiban

... Petitioners

Vs.

- 1.The State represented by
the Secretary,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Chennai-9.
- 2.The District Collector,
Virudhunagar District, Virudhunagar.
- 3.The Adi Dravidar and Tribal Welfare Officer,
Office of the Adi Dravidar and Tribal Welfare Officer,
Virudhunagar District,
Virudhunagar.

- 4.Murugesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.1 to 3 to cancel the appointments made by the 4th respondent for the post of Cook / Sanitary Workers in Adi Dravidar and Tribal Welfare Department, Virudhunagar District



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during the period of 13.07.2015 to 05.01.2017 and consequently direct the respondent No.1 to 3 to conduct fresh interview for the vacancies of Cook / Sanitary Worker Post in Adi Dravidar and Tribal Welfare Department based on the petitioner's representation dated 29.06.2018.

For Petitioners : Mr.S.Karthick Subramanian

For R-1 to R-3 : Mr.S.Kameswaran,
Government Advocate

For R-4 : Mr.M.Jothi Basu

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondent Nos.1 to 3 to cancel the appointments made to the fourth respondent for the post of Cook / Sanitary Workers in the Adi Dravidar and Tribal Welfare Department during the period from 13.07.2015 to 05.01.2017 and subsequently direct the respondent Nos.1 to 3 to conduct fresh interview for the vacancies of Cook / Sanitary Worker Post in the Adi Dravidar and Tribal Welfare Department, based on the petitioners' representation dated 29.06.2018.

2. It is now brought to the notice of this Court by learned Government Advocate appearing for respondent Nos.1 to 3 that subsequent to the filing of this Writ Petition, the appointment made to the fourth respondent for the post of



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Cook / Sanitary Workers in the Adi Dravidar and Tribal Welfare Department, Virudhunagar District, during the period from 13.07.2015 to 05.01.2017 was cancelled and therefore, nothing survives for further adjudication in this Writ Petition.

3. However, learned counsel appearing for the petitioners would submit that cancellation of appointments was challenged and the writ petitions were allowed and the petitioners herein are not a party to the said Writ Petition. Learned counsel appearing for the petitioners would also submit that the petitioners are also entitled to be appointed as Cook / Sanitary Workers.

4. Admittedly, subsequent to the filing of this Writ Petition, since the appointment made to the fourth respondent for the post of Cook / Sanitary Workers in the Adi Dravidar and Tribal Welfare Department, Virudhunagar District, during the period from 13.07.2015 to 05.01.2017 has been cancelled, the question of granting the relief sought in this Writ Petition does not arise, as the petitioners' grievance in this Writ Petition is that the fourth respondent had been appointed to the post of Cook / Sanitary Workers during the period from 13.07.2015 to 05.01.2017.



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5. Therefore, in the considered view of this Court, this Writ Petition has now become infructuous, due to the cancellation of the appointment made to the fourth respondent to the post of Cook / Sanitary Workers during the period from 13.07.2015 to 05.01.2017. If the petitioners are aggrieved by not being appointed to the post of Cook / Sanitary Workers, they have to redress their grievances by filing a separate legal proceeding in the manner known to them under law and they cannot seek such a relief in this Writ Petition.

6. After recording the fact that subsequent to the filing of this Writ Petition, the appointment made to the fourth respondent to the post of Cook / Sanitary Workers in the Adi Dravidar and Tribal Welfare Department, Virudhunagar District, during the period from 13.07.2015 to 05.01.2017 has been cancelled, this Writ Petition is disposed of as infructuous. However, liberty is granted to the petitioners to file separate legal proceeding, incase, the petitioners seek for being appointed to the post of Cook / Sanitary Workers in the manner known to the petitioner under law. No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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To

- 1.The Secretary,
Adi Dravidar and Tribal Welfare Department,
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- 2.The District Collector,
Virudhunagar District, Virudhunagar.
- 3.The Adi Dravidar and Tribal Welfare Officer,
Office of the Adi Dravidar and Tribal Welfare Officer,
Virudhunagar District,
Virudhunagar.



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ABDUL QUDDHOSE, J.

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